

**Minutes of the Regular Meeting-7:30pm Thursday,
October 13, 2020
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, and Captain Wegener. Building official, Mike Andrejka, Engineer Lucas Jones.
4. Agenda: Added Ed Igo to the agenda from the Yellow Ribbon Program. Motion to approve agenda by Council Member Golias and seconded by Council Member Perron. Approved 5-0.
5. Approval of September 8, 2020 City Council Meeting Minutes: Motion to approve last month's minutes by Council Member Golias and seconded by Council Member Donnelly. Approved 5-0
6. Treasurer's Report: Motion to move to pay the bills by Council Member Perron and Seconded by Council Member Rasmussen. Approved 5-0
7. Building Official report Mike Andrejka: Mike had no activity this month. Home number 6 is still having trouble getting appliances.
8. NDC4 Cable Franchise: Jodie Miller introduced herself along with Brian Grogan NDC4 attorney. Jodie thanked the council for our patience and tolerance for having the political will to continue this long process. The franchise ordinance is a ten year agreement, which maintains strong customer service and rights-of-way protections, and enforcement tools, including a performance bond and a letter of credit security fund. Jodie said that the NDC4 would have not achieved this strong ten-year agreement for the city if the city had not been willing to enter the formal renewal process. The NDC4 appreciates the work the city has done and legal counsel to prepare these documents. She also thanked the two NDC4

commissioners Clark and Deborah Donnelly along with the prior commissioners Melody and James Rasmussen. If any residents have concerns about their Comcast or CenturyLink services you can all NDC4 direct at 651-352-6101. With that she introduced Brian Grogan of Moss and Barnett. Mr. Grogan started on slide 7 talking about the FCC and that in the beginning they threw us a curve ball. The order favors the cable company and makes it hard for some of the cities to maintain their cable but with Jodie and Comcast stepping forward they have come up with a creative solution. Brian explained the FCC rule and what the process involves. Franchise fee is still at 5%. NDC4 has incorporated the city code along with the state law requirements. Upgrades will be: The local football game from Henry Sibley will now be in high definition. The capital downers that will help with the studios and the mobile trucks that help with the programming. And to make sure that all the wires and fiber optics that connect Comcast to other communities. This will protect the city for the next ten years. Three issues that need to be done. 1. Adoption of the Ordinance 20-12 Motioned by Council member Golias and seconded by Council Member Perron pass 5-0
2. Approval of the side letter agreement Motioned by Council Member Golias and seconded by Council Member Perron Pass 5-0
3. Publication of the ordinance in the St Paul Pioneer Press with access to the city. Motioned by Council Member Golias, seconded by Council Member Perron pass 5-0

Questions were asked from Council member Donnelly, Golias and the Lawyer.

9. Ed Igo Yellow Ribbon Program: Ed Igo talked about what the Northern Dakota County beyond the Yellow Ribbon Program will be. What is the beyond the yellow ribbon program and what does it do? The beyond the yellow ribbon program is a comprehensive program that creates awareness for the purpose of connecting services members and their families with community support, training services providing additional compensation. Cities in the State of Minnesota can be recognized as a Yellow Ribbon community by creating a comprehensive network that connects and coordinates agencies, organizations, resources for the purpose of proactively supporting services members and their families. West St Paul applied with the State to become a Yellow Ribbon Community in 2012. In 2017 and 2018 extra volunteers asked to be a part of the organization and in 2019 West St Paul decided to expand their operations. They invited four cities to that meeting. The cities were Mendota, Mendota Heights, Lilydale and South St Paul. South St Paul was already a Yellow Ribbon City. So West St Paul reapplied and

had these other three cities become a part of the Yellow Ribbon Program. On November 11, Veterans Day there will be a formal presentation for the Northern Dakota County beyond the Yellow Ribbon Program. They hope to have the governor here, Rick Hansen and Matt Klein. Mayor Meilke spoke on behalf of the program. He explained the procedure for Veterans getting help, and gave some examples. More than 100 veterans and their families have been helped. Our website will have information about the Yellow Ribbon program with a phone number that is answered all the time. Ed Igo has a resolution for the city to sign. It will be 20-13 and Mayor Meilke read the resolution. Motioned by Council Member Golias and seconded by Council Member Donnelly. Passed 5-0

10. Update Valley View Oak 3rd addition: Mayor Meilke gave the update and stated there was a second planning commission meeting held October 8th to continue the public hearing that was tabled after the July meeting. Mayor Mielke has received communications from Mendota Heights residents and Mendota residents and had received a copy of an impact study that was done on September 30th. Mayor Mielke contacted the DNR because they had approved the project but it was only a one sentence e mail that stated they had looked at the project and that it met the Mendota Heights Ordinance. Mayor Mielke had a long conversation with a man at the DNR named Dan Petrich (spelling) who authorized the original e-mail. Dan agreed that they should look at this development a lot harder. Jenny Staenke had attended one of our meetings and was very concerned about Mendota's project and its impact, so the mayor was confused at why they did not have a level of concern for this project, because this project would impact more people. Mr. Petrich stated that the DNR was shorthanded and is adding an air hydrologist and he would have her research this project a little deeper. The DNR stated that the e mail that was sent did not bless or endorse the project just that it met the current set back standards. The e-mail went on to say and this is something Mendota should be looking at: "that the city should update its critical area ordinance to comply with the state wide critical area rules that were adopted in 2017, those rules classify slopes bigger than 18% more greater than bluffs and prohibit any development or land alteration on or within 20 feet of the bluffs." Which is more restricted than Mendota Heights current 40% bluff definition. A large portion of the project site contains slopes 18% or greater although development of these slopes is allowed on the cities current ordinance it

would not be allowed under state wide rules or the cities future ordinance once it is amended to comply with state rules. The city has been notified to start the ordinance update as of January 2021, and has a year to complete that.

Council member Golias spoke at the meeting and gave a nice history lesson about the land they want to develop. He stated that the area was the original Dodd road, that was built between Mendota and St Peter, by Captain Dodd who started St Peter and he recognized the importance of a road to lead to at the time was the major city in Minnesota, which was Mendota. Captain Dodd took \$3000.00 of his own money and a 30 man crew and built the road from Mendota to St Peter in 109 days. Council member Golias stated our grave concerns over the water issues when they start digging into the actual bluff, and they are not building back 20 or 40 feet from the bluff they are building on the bluff. And then major concern of what would happen to our well water. Then other people from Mendota Heights spoke and Bob Bruestle and Joan Perron were there to support Mendota. At the end of the day the planning commission voted unanimously to deny the project and the plan. It still will go before the council. It is not uncommon for the council to approve projects that the planning commission has denied. So it is very likely that the council will approve. Tom Loonan stated that if Mendota Heights council approved that would only be the first step. But if it goes ahead, construction could start in the spring of 2021. But if the DNR has anything to say, it could halt the project. The resolution that Mendota did was put into record. There was no one that was for the project except for the developer.

11. CARES ACT: Mayor Mielke asked City clerk Kathy if she has passed out all the CARES money applications. She stated yes she has and has already received two of them back. Mayor Mielke asked if we only get five applications back can we divide the money after the computer by 5 and give them the money. Tom Loonan stated No we cannot do it that way. The business would have to show us that they have a need up to that amount or greater relating to the pandemic and then we would be able to give them the money. We can look at other expenses, like updating other technology in the city. Mayor Mielke asked if we could update the website and maybe have one that could host a video. Maybe update the recording devices for the council meetings. If we don't use the funds we have

to pay them back. Council member Donnelly is going to look into a website designer.

12. Resolution for Council Members' Salaries: Resolved by Council Member Golias and seconded by Council Member Perron Approved 5-0

13: Public Comments: 8:30 pm. John LeClair stated that he was with the Mdewakanton and that the clerk sent out e mails to everyone asking if anyone would be interested in giving an interview to St. Thomas College students about Mendota because they are writing a book about Mendota. The interview would be by phone or zoom. They would write the article and let you read the article and if you don't approve it won't be written. John also stated that the Mdewakanton would be submitting a letter to Mendota Heights about the new development and are requesting an architectural survey of that property because it was Native American land long ago. It actually was owned by Henry Sibley, and he let them live there. John passed out a map of Mendota from the Minnesota Historical Society showing all the land that Mendota owned at one time. Closed public comment at 8:39 pm

14. Council Comments 8:39 pm Council member Golias had nothing, Mayor Mielke has mail and received something from the Dakota County historical society asking for applicants for the board of trustees. Attended the yellow ribbon program and the Mendota Heights development meeting on October 8th. Mayor asked about the tree bid and did the clerk forget, and should we wait until next year. City Clerk stated she would call again to see what happened. Council member Perron had nothing, Council member Rasmussen had nothing. Council member Donnelly wanted to talk more about the tribe, he feels like we should help the tribe find a home. They have that money from Best Buy and it would be nice for them to have a home here in Mendota. Establish the history of the Mdewakanton and the area. Preserve the heritage and there is so much history here. Everyone keep their eyes and ears open to this. Closed council comments at 8:42 pm

15. Staff Comments: 8:42 pm Lucas updated us on what happened with the site visit on Windy Ridge, with Ray and contractor. What to do with the infiltration basin as sediment has plugged up the bottom of it. The contractor is not all the way on board yet because he was not a fan of being deposed as part of the law

suit. So he was interested enough to listen. Ray has been checking with some other companies and getting someone else on board. Things discussed: Clean out the ditch in front of lot six. Highly recommended that the infiltration not be done until the entire site is complete. And wait until sod was put in. During the inspection that was done by Jay Duckson's engineer, the drain tile that was supposed to cross the basin, is closer than state recommendation. Lucas stated that these are more guidelines than rules. And they need to move the drain tile from the east side of the pond to the west side. Mayor Mielke asked about the holding pond and who is responsible for the maintenance. Tom Loonan said that the home owners association was responsible for this. It's a little late to change the agreement but when an issue comes up the city can deal with it. Lucas also stopped by 245 E Street and talked to David Post. He was talking about water in his basement and on his property. Nothing jumped out to Lucas. Water was coming out of the retaining wall close to Carl's house. Lucas did not know if this would have been caused by Windy Ridge one. There was no surface water coming down the hill on that side of town. It must be a larger ground water, watershed issue and stated that we have had more rain. Lucas really did not have any great answers for him. Everyone remembers the traffic calming MN Dot did on Hwy 13. MN Dot said they had some extra money for, just wanted to let us know that the program they utilized to help small businesses out and it is set up to count and get more contractors set up for different projects. MN Dot did find a woman owned company to do the project J L Price LLC. Council Member Donnelly asked about the road by his house where the road is coming up and being eaten away. Lucas will take a look. Captain stated that a lot of cars have been broken into mostly at Lucky's and Axels, most cars were unlocked. The police had an increase in tickets for no seat belts but that was due to the Minnesota towards Zero death campaign so the last two weeks was focused on no seat belts. And increased the DUI enforcement also. Council member Golias stated that at his work, trailers are being stolen. Captain said No license plate on trailers so that is why they are stolen a lot. City Clerk stated she was very busy with the well problem, CARES money, David Post's problem with water. With Elections coming up lots of trips to Hastings. Told council about trying to get a fence for the path because some of the neighbors are complaining about garbage and people along the path. Shred event for Mendota, November 7th 8 to noon. Talked about the new gambling person at Lucky's.

Tom Loonan said that most of the things he worked on was talked about. The well with the neighbors, the cares act and the forms for the businesses to fill out. We need to use the CARES fund money and if we don't use it we lose it. Tom worked on the Cable commission stuff. Make sure all businesses get the forms for the CARES money.

16. Adjourn: 9:11 pm Motion to adjourn the meeting by Council Member Donnelly. Seconded by Council Member Golias.