**Minutes of the Regular Meeting-7:30pm Tuesday**

**December 18, 2018**

**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, Brian Mielke, Council members Joan Perron, Steve Golias, Melody Rasmussen and Kathy Krotter. City Attorney, Tom Loonan, absent, Replaced by Kevin . City Clerk Kathy Krotter. Building official Mike Andrejka.

4. Agenda: Motion to add results of the Election by City Clerk Krotter. Added as number 9. Motion to approve the agenda by Council Member Golias, Seconded by Council Member Rasmussen. Motion passed 5-0

5. Approval of October 8, 2018 City Council Meeting Minutes: Motion to approve the minutes with the exception of ravine not raven. And number 10 Fun Jumps and their trucks. Motioned by Council member Golias and seconded by Council member Rasmussen. Motion passed 5-0.

6. Treasurer’s Report: Motion to pay the bills. So moved by Council Member Krotter, Seconded by Council Member Perron. Motion passed 5-0.

7. Building Official-Mike Andrejka: Mike issued two permits and did not close any. City Clerk Krotter asked Mike if he got a call about an inspection. Mike stated that someone had called about a roofing permit.

8. Lucas Jones MSA –RJ Daughters: Lucas gave an update on Windy Ridge. He gave a timeline on where we started, what has happened and where we are now. 1. Storm water from January plans. The height disturbance started with an outcome that was greater than an acre. This created an MPC permit, which was obtained and the proper paperwork filled out. 2. The new impervious surface less than one (1) acre. Does not need to meet MPCA stormwater treatment requirements and follow city ordinance for stormwater discharge, which means more water cannot discharge what has previously been discharged. 3. Infiltration basin located on private property for stormwater treatment to the west. 4. Post development discharge flow rates lower than pre-development rates. 5. Post development volume discharge lower than predevelopment volumes (10 year event). Mayor Mielke asked that the new stormwater discharge cannot exceed the previous discharge, how do we measure the before and after. Lucas said that you have to model each site condition, you take into account the soil types which tells you how much moisture can soak into the ground, you take into account the ground cover, whether it is sod, roof, driveway or things like that. You take into consideration the area and how big it is and if it is hard surface or soft surface.

B. Field changes noted (10/1/18) 2. Discharge piping alignment altered to comply with Fire Marshall Requirements. a. Function of pipe alignment to provide similar function to approved plan. 3. Infiltration basin size smaller due to location of private utility installation a. Basin likely to underperform approved plan due to reduced storage volume. Lucas has talked to the engineers and realigned the land for more capture of stormwater.

C. Design modification noted (11/8/18)

1. Infiltration basin alignment revised in order to accommodate private utility location. A. basin size/volume increased to match approved plan. 2. Draintile and sand bedding removed from basin. B. to be installed outside of basin upon construction of Lot #1. 3. Future retrofitting proposed to allow for Lot #1 construction. C. currently open infiltration basin to a covered infiltration basin with rock recharge bed.

Outstanding items: 1. Sediment discharge outside of site extents. A. class 5 aggregate discharged to ravine. B. site soil discharged to Windy Ridge ROW.

2. Tree planting (placement will likely depend on completion of the final stormwater BMP) Lucas and the Mayor asked Ray about the class 5 clean up and Ray Miller said that he will be taking care of that. Jennie from the MN DNR asked about stabilization and asked if seed had been planted and if it just did not take or was not planted at all. Mr. Miller stated that the work just got completed and that they ended up with more dirt than they expected. So they will be removing the dirt within the next few weeks. The location needs to be stabilized as much as possible. At this point nothing is going to grow or germinate, but seed can be put down for the spring. The perimeter needs to have a fence and fiber rolls. Put mulch down to try and keep the surface layer there.

9. Jay Duckson Mr. Duckson explained that he is shy in nature and public speaking is not one of his stronger points. This situation is very personal and emotional thing to him. Mr. Duckson feels what he has to say is very important to the city. Mr. Duckson’s family has owned this property since 1971. Mr. Duckson gave a brief explanation of what has happened since 1971 and how he came about owning this property from his family. Mr. Duckson stated that when the first development was done, there was a pipe that was placed under the road and into Mr. Ducksons property without anyone’s permission. The former attorney had the wrong information. Mr. Duckson had pictures and documents from 2006 and 2007. And that Mr. Duckson said that he was promised that there would be no more erosion of the land. Mr. Duckson said that nobody made this developer buy this land. The developer had to be responsible for his choices and his decisions. Mr. Duckson stated that he has a 92. Civil law suit against the city. So with that the lawyer asked for a closed session since the city had a threatened litigation.

Council went into closed session in pursuit of MN Statue Section 13, 205 subdivision 3B presumed to the threat of litigation and potential litigation based on a lawsuit. The discussion was held by council were subject to attorney client privlages as we discussed potential liability the city may face.

People came back into the meeting. Mr. Duckson apologized to Mrs. Perron and said that this was very emotional to him. Legal action is the last thing that Mr. Duckson wants to do. Mr. Duckson is not against development but is against the damage to his property.

10. Certification of Election Results. Mr. Loonan stated that he had a resolution for the election and it is under MN Statue 205.103. Two people did win the election that were on the ballot. Mayor Mielke and Council member Rasmussen. Council member Golias made a motion and Council member Perron seconded. We had two write ins. First one declined and the second one said okay if the first one declined. All we had to do right now is to certify the results of the election. Passed 5-0

11. Public Comments: 8:38 pm Carl had nothing to say. Fred from Fun Jumps wants to keep on track. Myron Anderson is supposed to talk to Fred about the property lines and the fence. Fred stated that he wants to make everything right. Mr. Loonan talked to Fred about the fence and city ordinances on the phone before the council meeting. Fred is not parking trucks by the VFW anymore so the fence will be started in the spring. Reid from Historic Oak said that he got the letter about cleaning up the property. Reid is working on the enclosure also. Reid stated that the shop is very cold so he put up some insulation and he is going to be working on making the shop look more presentable. Reid is also making a hay bale garden for next spring. Mr. Miller asked about getting permission to sell the house that is completed. Mr. Miller stated that the stormwater and utilities have been taken care of like everyone had talked about. Mr. Miller feels that he presented to us what he wanted to do and all he did was ask and if it was okay. He would like the restriction lifted. Mr. Loonan stated that back in December of last year that there was a Memorandum of understanding from the city and Mr. Miller and Mr. Duckson. Tree replacement, storm water litigation, cap on existing storm water pipe, repair to Windy Ridge place. But the Mayor remembered the tree replacement, storm water litigation and the repair to Windy Ridge place road. Mr. Miller said let’s set up an Escrow so that Mr. Miller could sell a house. There will be a home owners association so that the storm water clean-up will be taken care of. So for the final CO the escrow needs to be set up and Mike will have to do the inspections. Close public comment at 9:09 pm

12. Council comments 9:09 PM Council member Rasmussen had nothing. Council member Golias, thanked the people who worked the election. Mayor Mielke stated that he had the mail on the table. Mayor Mielke stated that council member Rasmussen and Krotter went to Luckys to give the official proclamation to Lucky’s for Linda Young day. Mayor asked about the appraisal of Tracy’s house. Council Member Perron asked about the man who was going to come and look at the slide and if the city clerk had heard from him. The city clerk said no. Council Member Perron is concerned since the slide is chained to the trailer. Council Member Krotter had nothing.

 Closed Council comments 9:13 pm

 13. Staff Comments: 8:23 pm. Council member Golias stated that the lights on Benson Metals building are out and one is dimly glowing. Council member Golias stated that it is not a code that they have to have their building lit. But would it be okay for the police to stop in as a friendly visit and ask them to fix them for safety purposes and protect their business. Staff comment closed at 8:31 pm

14. Adjourn: 8:31 pm Motion to adjourn the meeting by Council Member Golias, seconded by Council Member Krotter. Motioned passed 5-0