**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 10 Comp plan extension and change 10 to 11, 11 to 12, 12 to 13 and 13 to 14. Motion to approve the agenda by Council Member Perron, Seconded by Council Member Golias. Motion passed 5-0

5. Approval of November 13, 2018 City Council Meeting Minutes: Motioned by Council member Rasmussen and seconded by Council member Golias. Motion passed 5-0.

6. Treasurer’s Report: Motion to pay the bills. So moved by Council Member Golias, Seconded by Council Member Rasmussen. Motion passed 5-0. Mike Miller asked if the plow truck could widen the plowing on (C Street) Windy Ridge.

There was a meeting at Jay Ducksons home three weeks ago with the Mayor, Brian from MSA, Lucas Jones and Tom Loonan to check out the ravine.

R J Daughters should be billed for the MSA bill.

7. Building Official-Mike Andrejka: Mike issued two permits and did not close any. Mike stated that he did a building permit for the third home on Windy Ridge.

Mike talked to Mr. Miller on what he needs for the CO, but Mr. Miller has not requested one. Mike told Mr. Miller that he could not prevent him from showing the property prior to the CO, but advised against it since Mike has not done any inspections on the homes. Mike stated that Mr. Miller will have to prove to him that he has met the conditions of the Fire Marshall, the engineer and also the planning agreement, before Mike will issue a CO. Mike could do a conditional CO., and that is a possibility. The council could tell Mike what conditions to put on the CO. Mike could type the conditions on the CO and send it to the person who would approve it and send it back to Mike. The conditional CO is temporary. Once the conditions are met then the CO is done again with the conditions taken off.

Kevin read the list that the City engineer Lucas has come up with for Mr. Miller’s development. Fire Marshall: certificate of compliance, erosion and sediment control: satisfying the requirements of erosion and settlement control from earlier this month, finalization of the terms and conditions of the tree plan, finalizations of the storm water facilities and the creation of the home owners association which would detail the maintenance responsibility to the private road, the turn around, storm water management and the private utilities that are within the development. Also an Escrow fund to hold back some money in case any of these items are not completed. From a legal perspective the most important to the lawyer is the creation of the home owners association with requirements on maintained and repair of the private road, the private storm water facilities and utilities. Having agreements in place recorded against the properties before the CO is issued and outside buyers are buying the lots. It is going to be challenging to get those legal requirements of maintaining those issues to be bound upon the people if they have already bought the property. The other issues are the erosion control, the tree plan, the storm water facilities can all be done after the fact with escrow dollars if the developer does not get them done. The developer mentioned at the last meeting that he has consented to the homeowner’s agreement, and just making sure that it gets done. Drafting on this agreement should be done by the January meeting. Tree plan could be done this winter, with trees on an actual plan and a meeting with the neighbors. So the next step to be done is a demand for compliance with the issues that are already laid out in the agreement and have discussed at previous council meetings.

8. Resolution for TH13 Traffic Study. Mayor Mielke met with MN Dot to go over their final proposal. The MN Dot needs a resolution for them to continue. There will be bike lanes and a middle turn lane. Resolution 18-16 was read by Mayor Mielke. All Council members voted yes or no and the resolution was signed by the Mayor and city clerk. Motion to approve the resolution by Council Member Golias and seconded by Council member Perron. Council member Golias said that he liked option 2 and the bulk of this was covered by MN Dot, if and when they receive funding. The city will be responsible for pedestrian lighting, signage like the flashing lights to use when you want to walk across the street. Mayor Mielke would like to see on both sides of town, which MN Dot would not fund is to have radars that show your speed with the flashing speed if you’re going above it. He believes they are solar powered and once they are installed are relatively cheap to maintain. They are about ten thousand, eleven thousand dollars for the pair. Mayor Mielke asked the city clerk to ask the CDA for funding, but it would not be something they could do. The CDA grant money is only for the residents of Mendota and since these signs would be on Hwy 13, they do not just benefit the residents of Mendota, as other drivers go through town. Council Member Perron suggested getting ahold of Rick Hansen to ask for grants. Motion passed 5-0

9. Agreement for the City of St Paul Water and the city of Mendota: City Clerk Krotter stated that the agreement would be with the City of St Paul and not the City of Mendota Heights anymore. Motion to approve the agreement between the City of St Paul Water Commissioners and the city of Mendota by Council Member Golias and seconded by Council Member Perron. Motion passed 5-0

10. Final Levy for Budget: Only need to update if there are any changes in the Budget from the September levy that was sent in. Everything stays the same, no changes. Resolution signed in September.

11: Comp plan resolution: Lucas provided a cover letter, a form and the Resolution for extension of Comp plan to be extended to May, so that other cities can take a look at our plan and have their comments sent back within 4 months. The link on the website has been updated if anyone would like to take a look at it. All but two sections have been completed. Resolution 18-17 motioned to approve by Council Member Rasmussen and seconded by Council Member Golias. Motion passed 5-0

12. Public Comments: 8:03 pm Mary Reynolds just came for the cookies. Mr. Duckson said he wanted to continue the conversation we started back in November. This property that Mr. Duckson grew up on and is so important to him, and why he feels so strongly about it. He apologized to Council Member Perron. This situation started back in 2006 when Mr. Miller put this pipe in illegally. Nobody from the city approved this pipe and we have proof of this. The issue was overlooked in 2006, 2007 and 2008. Mr. Duckson talked about the situation from 2006. Mr. Miller’s license to develop any property has been revoked. We are of no knowledge that he can be involved in any development projects what so ever. A twenty thousand escrow account to make sure Ray Millers does what he says he is going to do is absolutely peanuts, when he is talking about doing a three and a half, four million dollar project. Mr. Duckson would be more than happy to write the city a Twenty thousand dollar check and thank his lucky stars he got away with that. The scope of the damage he has done is known. Developers are responsible for storm water runoff. Mr. Duckson wants some resolution so that we do not have to have this discussion year after year after year. The water will go into the pipe and cause more damage. Mr. Duckson said that one solution would be for him to pay along with the cities help to make the water go someplace else. Mr. Duckson said that this developer has made the water go someplace else, maybe he (Mr. Duckson) should be given the same opportunity to have the water go someplace else also. Mr. Duckson said it is not our fault this developer did what he did. Promises were made and these promises were not kept. Mr. Millers licensing is not the cities problem. Mr. Duckson needs to talk to the state. Mr. Duckson’s lawyers have sent a letter to the state. Mr. Duckson made the comment that the building permit was not signed by the developer. The building inspector Mike got into the conversation at this point. Mike will be checking out for himself if Mr. Miller’s developer license has been revoked. Mr. Duckson asked, what kind of conclusion do we have here? Mayor Mielke stated that the city has an approved plan right now so Mr. Ducksons concerns are between him and the developer. Close public comment at 8:21 pm

12. Council comments 8:21 PM Council member Rasmussen had nothing. Council member Golias, nothing. Mayor Mielke stated that he had the mail on the table. Mayor Mielke stated that he attended the MN Dot meeting and did a couple of onsite walk arounds with R J Daughters. Council Member Perron had nothing. Council Member Krotter had nothing.

Closed Council comments 8:22 pm

13. Staff Comments: 8:23 pm. Lucas had no more comments. One situation did come up that in the home owner’s association agreement would have to be stated on who would clean the road way during the winter. Especially in case of a fire and the turnaround being clean for the fire trucks. Kevin stated the he took a look at the statue about the vacancy of the council member spot. The vacancy does not occur until January. If the person who was elected cannot take the spot then it becomes a vacancy. You have the person come in and take the oath of office in January and if they refuse to do, then it is declared a vacancy. Something should be written in the form of a letter, then the council makes a resolution for the council seat. If we have someone interested in the position, they can be appointed in January. City clerk, nothing. Captain updated the council on the cameras with the businesses and that the thefts have slowed down and are still an active investigation. We should have some more updates for you next month. Mayor Mielke stated that Fun Jumps is continuing having their driver’s park on the sidewalk. Three weeks ago someone went around the truck and slipped on a patch of ice. 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 to 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