**Minutes of the Regular Meeting-7:30 Monday April 9, 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. Moment of silence: Mayor Mielke asked for a moment of silence for Linda Young who passed away March 28, 2018.

4. Present: Mayor, Brian Mielke, Council members Steve Golias, Melody Rasmussen, and Kathy Krotter. City Attorney, Tom Lehman, City Clerk Kathy Krotter and Police Chief Kelly McCarthy. Absent Council Member Joan Perron and Building official Mike Andrejka.

5. Agenda: Approve the agenda by Council Member Golias, Seconded by Council Member Rasmussen. Motion passed 4-0

6. Approval of March 13, 2018 City Council Meeting Minutes: Motion to approve the minutes by Council member Rasmussen and seconded by Council member Golias. Changes: #6 change culvers to culverts, page 5 because not cause. Page 2, T down to turn down, page 13, change due to do it. Page 13, Mayor Mielke forgot to not forgo. Minutes to be approved Council Member Golias, seconded by Council Member Rasmussen. Motion passed 4-0.

7. Treasurer’s Report: Motion to pay the bills. So moved by Council Member Golias, Seconded by Council Member Rasmussen. Not listed in payments was the bond payment for $21,924.50. Homestead is the website that we pay a fee for every year. Balance due for January and February due to the City of Mendota Heights for Fire and Police. Motion passed 4-0

8. Building Official-Mike Andrejka. Was not present, on vacation but he had nothing to report and said that his son would be filling in for him, in his absence.

9. Public comments: 7:38 pm. Open and closed at same time, no public to comment.

10. Council Comments 7:39 pm Council Member Rasmussen, nothing. Council Member Golias, mentioned he received a call from Debby Donnelly, the new owners of the Swenson’s home invited Steve and his wife to dinner. The doctor who was living with Steve and his wife has decided to live with the Donnelly’s. Clark and Debby Donnelly, Debby does work at home, for United Health care. And Clark is a teacher in Cottage Grove. They have triplets, two girls and a boy. Clark would like to join the planning committee and put up the new signs. Council member Golias’s son is still planning on moving in with them as of May 1st and building a home down by Fourth Street. Steve’s son is a landscaper and wants to make it look nice. They have three boys. Mayor Mielke has the mail. Mayor asked about street sweeping and suggested we give the people who did it last year a heads up. Mike McPhillips did it last year so the clerk will give them a call. The Mayor is meeting with MN Dot to go over some traffic stuff at their headquarters in Roseville on Monday May 7th at 10:30 am. The Mayor received an e-mail from Molly Kline to attend. Mayor Mielke made a mention to Tom Lehmann about a resolution to make November 12th Linda Young Day. The 12th of November is her birthday, and the Mayor said without her we could roll a bowling pin down Main Street and not hit anything. We would have had a closed restaurant and the Mendota Salon that should have been closed. Council Member Perron, was absent. Council Member Krotter, Mr. and Mrs. Jung brought over some maps of the city and there is a map of what the Comp plan suggested for the 2000 plan. There is a community center and apartments and they are even in color. Lucas from MSA said he would like to take a look at them. Council comments closed at 7:54 pm.

14. Staff Comments 7:54 pm. Chief said they have identified the suspects in the break in of the cars at Luckys. The police are getting property back to people and the thief is a Minneapolis resident. It is a man and his girlfriend. Chief stated that she did not know who would be prosecuting the suspect. Next, Lucas Jones, Stated that there was nothing about the storm water stuff, to discuss at this time, so went onto the comp plan for 2040. Comp plan is underway and Chris and Josie would like to discuss it with us. They would look at properties that would be candidates for redevelopment. You look at what the house value is compared to the property value. Council member Golias asked if anything has happened to Landmark Fence. Mayor Mielke heard that Linda had right of first refusal to buy and then he heard that she did buy it. Otherwise it is still open to buy. Does Lucas want to meet with us about the comp plan? The schedule is set up for six months, first month being one of three meetings set up for the whole plan. Getting everything set up, getting some surveys out, getting input for residents and getting them involved, take a look at what the old plan was and to see if those goals and objectives are obtainable and are still what they want. Then the second meeting would be the results of what they heard, what we have given input on and bullet point what is going to go into the plan. After that getting all the exhibits and maps up to date. Then there will be a public hearing to make sure everyone has a chance to be heard and to review it. There is a check list of the different chapters or sections that need to be done. Population and growth profiles, land use and development, discussion about the downtown development. Parks and trails, economic competitiveness, water resources, resilience, transportation and housing, description of the land and exhibits. So six months would put us at October. Mayor Mielke asked if Lucas would research or does he already know the rules for the critical river valley and DNR so that if another developer comes up with that they want to build a 5 story building that we would have a clear understanding of what the rules are for height and setbacks that might have changed so we explain that to them. Lucas stated yes of course, we will have all that available for you to look at. Mayor asked if anyone else had any more questions for Lucas. Mayor asked Lucas about the Fire Marshall, and the new development on Windy Ridge and if he was involved, Lucas said no but said that they were concerned about the fire trucks going up there and being able to turn around or drive through. Right now they have neither. Next, Tom Lehmann said that where Windy Ridge Development stands right now is Ray Miller has met with Dave Dreelan who is the Fire Chief, Fire Marshall Jim Lee has been out, because he had surgery. So Dave has taken the lead. Dave has met with Ray Miller twice and Ray Miller now understands what he has to get to them. The Fire Chief said to Mr. Miller that he needs to have his engineers submit a plan. The Fire Chief sent an e-mail to Mr. Miller outlining what he needs to do. So everyone is working on getting it straightened out. Dave Dreelan stated that he did talk to the State Fire Marshall about an inquiry that he received from someone about the development at Windy Ridge. The inquiry stated that they wanted the project stopped and that no more work should be done there. The State Fire Marshall indicated that they don’t have to stop and that they could technically build up to three homes before they would step in and say, you can’t go any further. Tom stated to Mr. Dreelan that Tom thought we would not want three homes going up before we stopped the building. And that we need to get this addressed sooner than later. Tom stated to Mr. Miller, that we would not grant anymore building permits and Mr. Miller would not get a certificate of occupancy. The tree plan, storm water and that Fire Marshall approved the development plans. Now this would make it three conditions that would need to be approved before Mr. Miller would get the certificate of occupancy. Tom also stated that he forwarded to us an e-mail from the DeCourcy Law Firm that stated that the Millers have put a hold on the street vacate of C Street. And that they have spoken to Mr. Jay Ducksons attorney and that they agree with the decision. So this puts on hold the street vacation. The Millers have looked at other options and have spoken to Council Member Golias. So the 60 day rule is on hold. Then the other thing that Tom wanted to talk about was that there was an indication by Mr. Ducksons lawyer about the legality of the alley vacation and that what we had approved for Mr. Ray Miller had not been done proper. Tom believes it was done proper and the only thing that circumvent; and then the lawyer indicated that he thinking of bringing up a law suit. So this is the only reason Tom is bringing this up. There is a way to make 100 percent sure that this was done correctly, the Statue indicates that the majority of homeowners can petition the city to vacate a street or alley. The person that submitted it was Judy Miller on behalf of R J Daughters. Now undenounced to Tom, I think we were assuming that Ray and Judy own the home that they are living in, and they do not. So does that raise a question whether or not they are the majority of the land owners, no because technically RJ Daughters, have bought the land on the other side of the alley and they are the majority owners of that property. We could get a hyper technical argument as to whether or not this meets the criteria for the idea that they are the majority owners to bring that petition. The other issue was that Mr. Ducksons lawyer indicated that none of the other affected home owners received notice, but City Clerk Krotter did give notice to every resident on Windy Ridge. The only thing that Tom said is if you want to be 100 percent certain, is

that the city can vacate an alley or street on its own motion so a city can say we no longer need this alley or street so we can vacate it and all the city would need is four fifths of the council to vacate that alley. We would have another public meeting and then a resolution to vacate the alley. This would close the lawsuit presented by Mr. Ducksons lawyer, but the vacate has already been recorded by Dakota County. Then this would not leave any opportunity for Mr. Ducksons lawyers to say this was not done properly. This does not admit guilt, it only guarantees that we did not miss anything, if at all, about the vacate of the alley. Tom also stated that MN Dot has raised the lease for the property by Benson Metals, so Tom needs a resolution to say that the city will pay the lease and the city then will charge Benson Metals for the lease also. So we will increase Benson Metals amount to $170. Resolution to approve the lease with MN dot and the agreement with Benson Metals. So resolved by Council Member Golias and seconded by Council Member Rasmussen. City Clerk Krotter had nothing. All in favor 4-0 Staff comments closed at 8:19 pm.

14. Adjourn: 8:20pm Motion to adjourn the meeting by Council Member Golias, seconded by Council Member Krotter. Motioned passed 4-0