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

**July 11, 2023**

**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 Member Golias, Perron, and Rasmussen. Attorney Tom Loonan, Engineer Lucas Jones, Captain Wegener and City Clerk Kathy Krotter. Absent Council Member Donnelly. No Building Official.

4. Agenda: Mayor Mielke asked if there were any last minute changes to the Agenda. Added number 6- to amend Resolution 23-01 and move everything else down one number. Motion to change by Council Member Golias and seconded by Mayor Mielke. Approved 4-0.

5. Approval of May 9, 2023 and June 11, 2023 City Council Meeting minutes. Motion to approve May 9, 2023 minutes, Motioned by Mayor Mielke and seconded by Council Member Perron. Approved 4-0. Approval of June 11, 2023 minutes Motioned by Mayor Mielke and seconded by Council Member Golias. Approved 3-0. 1 abstained.

6. Treasurer’s Report: Motion to pay the bills by Mayor Mielke and seconded by Council Member Golias. Approved 4-0.

7. Motion to Amend Resolution 23-01: City Clerk explained why the Resolution needed to be amended. The property description was not correct on the resolution and needed to be corrected. Lawyer stated that the Resolution in question, is for the vacate of F Street for Dana and Dan Schumacher. Motion to approve amended Resolution by Council Member Golias and seconded by Mayor Mielke. Approved 4-0.

8. Approval of Kreitz Purchase Agreement for MNDot Property: The city has completed the purchase agreement for the sale of the MNDot Property to Bridget and Ernie Kreitz. Terms of the agreement are the same as the city has discussed. $15,000.00 plus the city’s cost. The lawyer has gone back and forth with Amy Anderson (Bridget’s daughter) and have made a few changes. So this is a purchase agreement for the property allowing Mayor Mielke and Kathy Krotter to enter into the agreement and then be signed by Ernie and Bridget Kreitz. According to Amy everything is good to go. Council Member Golias had one correction. Motion to approve 23-08 by Mayor Mielke and Seconded by Council Member Golias. Lawyer stated that Council Member Perron will be recusing herself, since she is related to Bridget. Approved 3-0. 1 abstained.

9. Public Comments: Opened at 7:38 pm. Marie had two things to address, one was already discussed before the meeting started. She asked about the Mendota medallion. The other question was, that during the car show if they would respect people’s driveways and not park in front of them. Mayor Mielke apologized for the driveway being blocked. Marie also stated that maybe next year, a better venue for Elvis. Erik thanked the Mayor for planning Mendota Days, it was great. Erik also stated that he and some of the neighbors were wondering if a permit was submitted for the barndominium and how did this happen? Mayor explained that it was like the perfect storm with the transfer from one building inspector to another. There was also a significant change of plans from when the original plans were submitted. They switched it from being parallel to the street to perpendicular. The plans were never presented to anyone. Tom stated that the builder initially had the first plan and permit approved. Then the property owner/builder changed the plan. The builder was told it was not in accordance with our zoning codes, so they are updating the plans and resubmitting them.

The builder stated that someone at MNSpect knew, but MNSpect says that they did not. As for now we believe MNSpect that there was not proper notice. Mayor went down to take a look at the lot and noticed that it looked like they cut out something the size of a football field, so the Mayor got a hold of the plans from the city clerk and the plans were something that we had never seen before. So the Mayor got a hold of Nick at MNSpect and talked to him for about an hour trying to get this figured out. The new plans did not meet any of the setbacks, there were problems with building on two lots and it was well over the 35% pervious. The Mayor and Nick agreed that was enough to justify to put in the stop work order. Scott Qualle met the Mayor at the site and put up the stop work order around 4:45 pm on Friday. Dana asked if MNSpect was supposed to be inspecting just the building or also the site. The Mayor said just the building. She then asked why the planning commission was not involved in this beforehand. Tom explained that with this type of application the planning commission does not have to be involved. MNSpect does look at our zoning, but they assumed that we approved the way the house sits on the property. And that was not 100% accurate. A single family building permit does not have to go to the planning commission but a building where they would need a variance or conditional use situation, then that would have to go before the planning commission. MNspect would get the application and if there were any concerns they would go to the City Clerk and she would send it to Lucas to take a look at it to make sure they are in compliance with the zoning codes. If they decide to combine the two lots, that would go before the planning commission. Any type of variation or change would have to come to the city and then to the planning commission, with a notice for a public hearing. The planning commission would recommend approval, recommend denial, a conditional recommendation of approval or no recommendation. Then it goes to city council for final approval. The clock starts ticking once they put in an application. Lucas stated that usually a lot split or lot combination is just a procedural thing. Dana asked if we could have it in writing that this is a single family home. The Mayor stated that the application says single family home and it meets the Minnesota Department code as a single family home. Dana asked then how did the triplex happen. The Lawyer stated that the triplex is a non-conforming use, it’s in violation. But there is a potential with the Triplex that if a permit is non-conforming at the time that the code is adopted and we have gone through an amendment with our adopted code, it is called a legal non-conform use and so it can legally non-conform because it is pre-existing which makes it grandfathered in. But here we have a new house that is coming in after our code has been adopted and they need to comply with the code. Marie asked if one of the conditional uses prohibits a group home. Tom explained that with a group home, depending on the size, it is protected by the state with 5 or less residents and it is considered a single family home according to state law. But the group home does need to be licensed by the state. There cannot be juveniles in a group home that have committed sexual offenses, delinquent or criminal offenses. Lucas did a presentation of the property. MNSpect called Lucas about the setbacks and ordnances. (15 ft. in the front, 15 ft. in the rear, 6 ft. on the side and 35% impervious surface.) The house is 15 ft. away from the property line all the way around. The impervious surface is only where the house is. A 6 foot fence is ok but an 8 foot would need a variance application. Mayor said that Mark (the owner of the home) talked to him and wants to live in Mendota for 65 years because he grew up in a small town. Gunnar asked about where the water was going to go that will come off the roof after the house is built. What kind of roof will the home have? Swale is on the south side of the house with a catch basin. Gunnar also asked that if the two lots are not combined how they are going to meet their impervious surface. Are they hooking up to city water or hooking up to a well? Dana asked if the well was capped. Lucas stated that the county is in charge of the wells being capped. Dana said that the well should be on the survey and they should provide a certificate of the well being capped.

Closed public comment at 8:23 pm

10. Council Comments: Open council comments at 8:23 pm.

Council Member Rasmussen: Nothing.

Council Member Golias: Thanked the Mayor for the great job of Mendota Days.

Mayor Mielke: Mayor stated that he spent a lot of time in the jail this weekend and the building is deteriorating. If we don’t start paying attention to it, it will end up being a bigger problem. Mayor said he would do some research and see if he can get the Minnesota Historical Society to do some repairs. Mayor stated that the city should have it done professionally. The VFW had the electrical inspected at the jail and they called Xcel and had it updated, at their expense. Mayor attended the Yellow Ribbon meeting today. They were in the parade and next year the YRP wants to have a table to bring awareness to what the Yellow Ribbon program does for vets and their families. Mayor stated that the worse problem at the parade was with parking. Mayor asked if the city was going to have National Night Out, or go back to the picnic on the second Saturday in September. Clerk stated that we would go back to the picnic on the second Saturday in September.

Council Member Donnelly: Absent.

Council Member Perron: Nothing.

Closed council comments at 8:29 pm.

11. Staff Comments: Open Staff Comments at 8:29 pm.

Captain Wegener: In June, Mendota had 33 incidents and 6 of them resulted in open investigations. Some of them involved vehicle thefts. They are active so the Captain could not talk about them. Captain stated that they were crimes of opportunity. Council Member Golias stated that he saw a reserve officer walk by him on Saturday at Mendota Days and wanted to know about the program. The Police department has four reserve officers, they typically are residents of the community that volunteer their time. They help out with things like the parade, check on homes when people are gone out of town or on vacation, transports, just an extra set of eyes to have around the city. 100% volunteer. They are supplied with uniforms and defensive equipment.

Lucas Jones: We talked earlier about the 255 E Street project. Lucas will be moving forward to find out if the city will need to catalog the city water services in town or if that is St Paul Regional Waters responsibility. End of next week there is a dead line for funding applications to help with the cataloging if need be. Lucas will be moving forward into putting together a letter for the DOT, for the TED Program (Transportation Economic Development Program). It is a program where any improvements to a state trunk highway (which Highway 13 is) is given funds to cities and is a 70/30 split. Such as improvements to the road, painting, bump outs and lighting for safety purposes. Extension of our water main project to get some of the utilities funded or at least the pavement replacement after the water main goes in. Lucas is going to find out if the bonding bill counts as a match. Lucas would like to get the planning commission together to get our MS4 project done. So that the projects can be brought to council for adoptions. Resident asked as part of the trunk highway program we could maybe get flashing lights where the bikes cross the road and the Mayor asked about maybe getting some radar signs that shows your speed limit. Mayor asked about the road repair on D Street and if Lucas could check out the quote that we got.

Lawyer Tom Loonan: Dealing with questions and complaints that have come forward. Tom did receive a call from a colleague that works in finance and they are looking for someone to assist in a conduit bond. So Tom will be getting in touch with him tomorrow and tell him that the city is interested and get some more details. Tom will probably get in contact with Jennifer and have her get involved in what is going on in the city.

City Clerk: Stated that she noticed how dark it is driving around Mendota and she sent an email to Xcel asking if they could tell the city what they would have to do to get some more lighting around town. (No one has gotten back to her).

The storm drain up on Windy Ridge is damaged. The clerk sent the photos to Alan Bebel and asked him to look at it, he has not answered as of today. Should she call someone else? Lucas stated that it is not a high priority but should be fixed before winter. Clerk was instructed to call Alan again.

Closed staff comment at 8:47pm.

12. Adjourn: 8:48 pm. Motion to adjourn the meeting by Council Member Golias and seconded by Council Member Perron. Approved 4-0.