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

**February 12, 2019**

**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, Clark Donnelly. City Attorney, Tom Loonan, City Clerk Kathy Krotter. Building official Mike Andrejka and Lucas Jones

4. Agenda: Motion to add closed meeting to number 12 and adjourn will be number 13. Motion to add by Council member Golias and seconded by Council Member Donnelly. All those in favor 5-0.

5. Approval of January 9, 2019 City Council Meeting Minutes: Motioned by Council member Donnelly and seconded by Council member Perron. Motion passed 5-0. Council Member Golias had one correction, page 4 there to their. Mayor Mielke added to move appointment comments from council minutes to appointment section. Passed 5-0

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

7. Building Official-Mike Andrejka: Mike issued one permit and closed out one. Mike stated that it has been a slow month. Mike did a final inspection of 1367 Windy Ridge and issued a CO. Certificate of Occupancy.

8. Jodie NDC4 Cable update: Jodie stated that she was the executive director of the Northern Dakota County cable commission and Town Square Television. NDC4 forms the seven cities joint power cooperatives since 1982 which Mendota is part of. The Cable commission is part of 7 channels, 1400 videos, and 13 employees. The programing consists of schools activities, cities activities and projects, graduations, local nonprofits, Mendota Days and local news. They also put these on Facebook Live. With Jodie was Brian Grogan, legal counsel for NDC4. Jodie thanked Council member Melody Rasmussen and her husband James Rasmussen for going to all the cable meetings during the year. Jodie stated that tonight she is presenting a resolution to be passed. It is for renewing the contract for another 10 years. Comcast submitted their proposal and it was not what NDC4 asked for and that it did not meet the community’s needs. Mr. Grogan spoke then on behalf of NDC4. This is a Comcast Franchise and was actually adopted in the year 2000, it was a fifteen year contract and it is now 2019. The last four years have been spent trying to cut a deal. In the last four years, Century Link came knocking at NDC4 door in 2016 and from this connection, the cities all have fast internet. The League of Minnesota is helping NDC4 with their legal procedure with Comcast.

Karly Werner, Comcast representative, provided a statement for the City Council with an overview of Comcast’s Formal Renewal Proposal and Comcast’s presence in Minnesota and in the Twin Cities. The statement was read by Mayor Mielke.

Motion to approve Resolution 19-04 preliminary assessment of the Comcast formal proposal will be denied, so moved by Council Member Donnelly seconded by Council Member Perron. Passed 5-0

9. R J Daughters update: Mr. Miller has obtained legal counsel for the HOA and Tom and Lucas have read the HOA and have approved it and just need the council to approve it as written. The mayor stated that the final inspection has been completed and the escrow amount has been agreed upon. The city agreement was to approve the HOA and the declaration that is going to be recorded against the property which the council talked about last month. Resolution 19-05 to execute the property management maintenance easement agreement. Obligates the developer or HOA to complete and maintain the storm water facilities. To complete and maintain the private roadways. To complete and maintain the utilities on the property and to finish the landscape plan with the tree plan. So moved by council member Golias and seconded by council member Perron. The Fire Chief Dave Dreelan wanted to get everyone up to speed on the new development. To start there were two primary concerns, access to and egress for the fire apparatus. The original plan had the four homes in the alley with their own driveways, now there is one driveway that leads to the center two homes. The street has no way for the truck to turn around and the Fire Chief will not commit a truck to go up there without the proper turn around. Mr. Miller understands the situation and is willing to work on the turn around. But at this time it cannot be completed. The Fire Chief spoke to the Mendota Heights city administrator to draw up a document so that all parties know what is expected and needs to be done to get the fire trucks up in that area. Ideally the fire truck must be within 100 feet of the fire. The lines are 200 feet. So its 100 feet to go from the truck to the front door and then 100 feet to go in to the house and move around. The council, lawyer, Fire Chief, Mr. Miller and his lawyer talked about a solution for the fire trucks and where to park. The alley and driveway has to be wide enough for the fire trucks to turn around. Not being able to respond is a liability to the Mendota Heights Fire Department. The Fire Chief stated that the fire code states that construction documents in regards to apparatus and fire lanes will be submitted to the fire Marshall prior to construction. Fire apparatus access roads need not be provided when there are two or fewer homes present. Which was not done. The Fire Chief stated that he is not here to keep a family from moving into their home, but they need to know what is going on. Mendota Heights needs a written agreement that states everyone is aware of the situation. The Miller’s were hoping to get a signed Certificate of Occupancy for the new people closing on Thursday but there seems to be a serious problem with the hammerhead and the fire trucks being able to turn around. The couple’s realtor is here to make sure her clients know everything that is going on. The Millers lawyer who is writing the homeowners association agreement asked if the city could write a note explaining the situation to the new homeowners and then we could resolve this matter before the end of March. Council member Donnelly suggested that we sign the agreement so the new homeowners could move in, but Mayor Mielke was concerned with a fire and the fire department not being able to get to the home and what if there was a loss of life. The Fire Chief made it clear that if he knew there was a life threatening situation, he would not hesitate to go to the home to put out the fire and work out the details of how to turn around, once everyone was safe. Everyone discussed their concerns and discussion went on for another 30 minutes. Motion to approve the cities agreement and have the declaration of the HOA done before the next home is sold. So moved by Council Member Golias and seconded by Council Member Donnelly. Approved 5-0 so moved that the city approve the current draft of the home owner’s agreement to be recorded against the property which includes the Declaration, the articles of incorporation and the by-laws. By council member Golias and seconded by Council member Donnelly. Passed 5-0. Mr. Loonan stated that the Council needs to approve an amendment to the development agreement entered into on December 26th adding the following language, first Escrow:

ESCROW DEPOSIT: Developer shall deliver to the City payment in the amount of Twenty Thousand and 00/100 Dollars ($20,000) to be held in escrow with the City for the estimated costs to complete all outstanding Developer obligations in the Agreement. Upon completion of Developer’s obligations under the Agreement, to the satisfaction of the City, the funds will be returned to Developer. If Developer fails to complete its obligations in this Agreement on or before March 1, 2020 the City may use the Developer funds in escrow to complete the outstanding Developer obligations in the Agreement and upon completion of all outstanding Developer obligations, the City shall return any remaining funds to developer. In the event Developer funds are insufficient to complete all outstanding obligations of Developer the City reserves the right to seek recovery against developer to satisfy any deficiency in the cost to complete Developer Obligations. Motion to approve by Council Member Golias and seconded by Council Member Perron. Passed 5-0

13. Public Comments: 9:26 pm. Mr. Douglas talked about his sewer problems and asked the city if there was anything the city could do. McDonough’s is coming out to look at it. They were to come Tuesday morning but never showed up, maybe because of the weather. Hopefully they come Wednesday. After they take a look, the city would decide what, if anything they could do. Close public comment closed at 9:33 pm.

14. Council comments 9:33 PM Council member Rasmussen stated that Kathy and her would be doing the Mendota Days Parade this year, but nothing else. Anyone interested in doing anything can go right ahead. Council member Golias, suggested more snow removal. Especially by corners. Mayor Mielke stated that he had the mail on the table. And suggested sending letters to the residents and businesses on Sibley Memorial Hwy about the sidewalks and snow removal. Mayor Mielke asked about the letter up in the post office and the City Clerk explained that it was about putting the agenda and minutes up sooner than she does now. City Clerk replied she is working on that. Council member Donnelly asked about the Nano Brewery and what it was about since the gentleman did not show up. The clerk explained it would be a small place that would produce less than 2000 kegs of beer a year. Kind of like the Bald Man Brewery on Silver Bell Road in Eagan. Council Member Perron had nothing.

Closed Council comments 9:45 pm

15. Staff Comments: 9:46 pm. Mr. Loonan stated that he has been working on R J Daughters project, which he talked about tonight with Ray and everyone. Lucas suggested that we put together a check list for new developments, even though this might not happen for another 10 years. Mayor Mielke said that would be a good idea, including the DNR requirements and everything else we should remember. Communications is the main key. City Clerk Krotter stated that she had the resolution from the appointments retyped and ready to sign, also St Paul Water had new forms for us to sign. Staff comment closed at 9:55 pm

16. Closed meeting 9:56pm 13.D05 subdivision 3B to discuss threat litigation for R J Daughters. Done 10:07pm.

17. Adjourn: 10:08 pm Motion to adjourn the meeting by Council Member Donnelly, seconded by Council Member Golias. Motioned passed 5-0