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

**June 11, 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. Engineer, Lucas Jones. Captain Wegener. Building official, Mike Andrejka.

4. Agenda: No changes to the agenda. Motioned by Council Member Rasmussen and seconded by Council Member Golias. Motioned passed 5-0.

5. Approval of May 14, 2019 City Council Meeting Minutes: No changes on the Minutes. Motioned by Council member Golias and seconded by Council member Donnelly to approve the minutes. Motion passed 5-0.

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

7. Building Official-Mike Andrejka: No permit activity.

8. R J Daughters update: Mr. Justin Jenkins spoke on behalf of Mr. Duckson with concerns that he has with the new Windy Ridge Development. Mr. Jekins stated that eighteen months ago he appeared before the council and explained the developer’s bad practices. Mr. Jenkins listed all these concerns again to the city and stated that now eighteen months have gone by and these concerns are still concerns, and they could have been avoided. Mr. Jenkins sent a letter to the city on May 8th with a list of things for consideration, and asked for a response to that letter and was told he would get a response. Now it has been over a month and Mr. Jenkins and Mr. Duckson have not received anything. So Mr. Jenkins is here tonight at Mr. Duckson’s request to ask the Mayor and the City Council to ensure that their concerns are addressed. So we will talk about some of the issues that are in the letter and Mr. Jenkins hoped that we all had time to review it.

1. The drainage issue. The plan was that there would be no more water that would be introduced to the adjacent properties because of the new development. The developer changed the plans of the development without any approval from the city. The design and drainage plan was changed during the construction of the development. The developer shrank the size of the infiltration basin. The city told the developer that they knew he had changed the plan and told the developer that it was not acceptable. The new design was submitted to the city but was not handled the same way as the original plan. The basin got reshaped, so it’s different than what the plan was. There was a new pipe added that was connected to the basin that was created and a new manhole was created. This is in violation of the city code. So there is more damage being done to Mr. Duckson’s property. The lawyers engineer Mr. Panko figures that it is going to cost Mr. Duckson around $200,000 to prevent this further erosion and destruction to plant life.

Mr. Jenkins has asked the city to do four things.

1. Require the developer to submit a new storm water modeling report that the city code requires. And submit it with new surveys.

2. That the new infiltration basin be tested that it actually infiltrates into the ground like it is supposed to.

3. The developer install monitoring on the basin out flows to make sure it is performing at the flow rates it is supposed to.

4. That before the developer is allowed to go forward require the developer to fix the damage on Mr. Duckson’s property.

The next issue is the tree plan. There were dozens and dozens of trees on this property before the developer started. The developer was to put together a tree plan and get together with residents on Windy Ridge to discuss it. The plan was to approve 2 trees for every one removed. The developer needs to do a plan that shows where the trees are going to be and not just red circles on a plan.

Last thing was improper conduct by Mr. Miller. According to Mr. Jenkins the State of Minnesota has revoked Mr. Miller’s developer’s license and that he should not be speaking on behalf of R J Daughters.

If the city does not take action and protect its residents, like Mr. Duckson, the only choice we have is to take the city to court. Ten years from now who knows what will happen with this development.

Lucas sent out a new letter to the developer with some new items that have popped up and need to be addressed since everything is unfrozen and we can see what is happening on the development site. Mr. Loonan has been talking to the Mendota Heights Fire Chief and Mr. Lee about the development and the hammerhead issue. And also about new permits. Mr. Loonan stated in response to the letter from Mr. Jenkins, that we have talked to the League of Minnesota under the cities insurance about the pending litigation threat, and we are working with our litigation attorney and are trying to get a response together on behalf of the city. Mr. Loonan will get in touch with them tomorrow the 12th and see what their response might be.

9. Mendota Point; Mr. Micheal Marcules (spelling) is working for Mikado Group and Mr. Applebaum and are here tonight to ask the city to start a process to vacate the roadways abutting the property owned by Mr. Toye, and under contract with Mr. Robert Schmidt. Mikado Group has entered an agreement to purchase the Property in order to build apartments or condominiums on the property. There is no site plan or no fit yet but they are starting the process to see what they can do. They are asking for a public hearing for the next City Council meeting to discuss the vacate and to move forward on this process. Mayor Mielke asked if the planning commission should get involved in this process at this time. Mr. Loonan suggested that since the planning commission has not yet been officially formed that we would not ask them to get involved yet at this time. City Council member Perron asked if we should get the results of the soil samples before we move forward also. Mr Marcules spoke and stated that Phase 1 was completed last year, the requirement under the purchase agreement for the seller to complete a phase 2 is being completed. Phase 2 was scoped and last Friday the seller did the initial work on Phase 2. The city is concerned that procedure is followed with these steps and that we get a permit to start Phase 2 but no permit was needed at this time. Mr. Marcules had a verbal report from the engineer and they were pleased with the results. They found a lot of concrete debris and did not see the type of fill they were worried about. It will take another thirty days to get the rest of the results from the soil. If the city vacates the roadway, more boring will be done to test the soil. City Council asked if the property had been surveyed and they were told that the property has been surveyed. Everyone involved in land ownership of the property must be mailed notice of the public hearing. Former Mayor Robinette asked about Water Street and if that had been vacated or will be vacated at this time. Mr. Marcules stated that Water Street was not listed. So resolved. 19-07 Resolution has been adopted this day, by Mayor Mielke and seconded by Council Member Golias. All in favor 5-0. Mr. Andrejka asked if the people involved got permission to do the diggings on the property, since this is a very serious situation. Mr. Marcules stated that the people doing the digging got all the proper authorization.

10. CDA Grant: Mayor and City Council filled out the CDA Grant before the meeting and city clerk will fill out and send it in.

11: Public Comments: 8:15 pm. No public comments. Closed public comment at 8:16pm.

12. Council Comments 8:16 pm Council member Rasmussen had nothing. Council member Golias had nothing. Mayor Mielke stated that he attended another Yellow Ribbon program with Mendota Heights, Lilydale and West St Paul. It was an Informational meeting with how they are going to work out the board of directors and responsibilities. The name of it is going to be the Northern Dakota County Yellow Ribbon program. No financial commitment. The meetings are daytime. The mail is on the table for people to read. Fun Jumps fence still not done. Mary Reynolds stated that Fred is not interested in building anything anymore and stated that since he is not building he does not want to build a higher fence. So Bob and Mary Reynolds told Fred, as property owners, to move the fence to where the correct property line is and leave it the height it is. Mr. Loonan is going to check the ordinance and see what we should do. The new planning commission. Planning commission, Mary Reynolds, Beth Miller, Mike DeCourcy, Debbie Donnelly and Council Member Golias, council approved by resolution 19-08, so resolved by Mayor Mielke and seconded by Council Member Perron. All in favor 5-0. Mayor Mielke spoke with Rick Hanson this week and asked if there were any capital funding projects that he could put into the next bonding bill, he asked for specific things and specific dollar amounts. Mayor Mielke had three items. First was St Paul Water is asking for a reducing valve to slow down the water into Mendota which costs about $40,000.00. Then the loan we took out for the land slide which ran the city $219,254.40. The last was City water which will cost the city between $750,000 and one million dollars and then there would be the roads after city water comes in. Then MN Dot has striping for Main Street, and bump outs. Last thing Mayor Mielke had was the current rules for Sexual offenders and an ordinance where they can live. We follow the state rules but Mendota Heights has some new ones. Level 1 no one needs to know, Level 2 Daycares and certain individuals are notified and if it is Level 3, everyone gets notified. State law enforcement needs to know, no matter what level it is. Cities have adopted areas where these offenders can live, like how far away from schools or daycares. Offenders have commented that if they cannot live 1000 feet from children they cannot live anywhere, because children are everywhere. Courts have had a hard time with this and have sometimes fined cities for their ordnances. The Mayor just wants to protect the children of Mendota. Council member Donnelly talked about the speed on his street. Mayor suggested signs. Captain stated that they can put up monitors for how fast people are going down the streets. The drivers won’t know, but the police can collect the data. Council Member Donnelly also commented that he called the MN Mosquito control to get them out because the mosquitos are bad by his house. Council Member Perron asked about the slide. Mayor asked Mary Reynolds if her husband Bob Reynolds could put it in. Closed Council comments 8:44 pm

13. Staff Comments: 8:44 pm. Captain Wegener stated that the police department hired a new officer. Lucas, went back and stated that putting a stop sign in town are not usually used for speed control they are used for traffic control. If people think that it is not needed they will drive right through it. Lucas has been working with Tom and Jim to get some old data requests for Jim. Regarding the comp plan, have people had a chance to take a look at it, so that we can pass it on to other cities to take a look at it. Dakota County and the DNR have asked for sections to look at. Resolution for Comp plan 19-09 resolved by Council Member Golias and seconded by Council Member Perron. Department of Health needs to know about the borings being done on the new property by the jail and they need to be sealed after they are done. DNR is in charge of the bluff setbacks and the Department of Health is in charge of any ground exploration. Mr. Loonan stated that after Mr. Jenkins contacted him he spoke to Jim Thompson the Leagues attorney and Lucas and Kathy about getting information to Mr. Thompson to answer Mr. Jenkins questions in the letter. We will not have to have a closed meeting tonight. We will have a closed meeting with Mr. Thompson another day, because unfortunately he has other commitments on Tuesday nights. On a positive note the fire marshall and the fire chief have been very much involved in the development on Windy Ridge and have kept Mr. Loonan in the loop. They feel good and have the hammer head in and have what they needed and are working on the water access issue before any other plans are done. The gentlemen from Mendota Point have been in touch but Mr. Loonan did not know about the holes. Mr. Loonan also stated that there was a woman here tonight Jennifer Hascamp (spelling). Her company does consultation to both cities and developers, if we did decide to move on with the planning committee it might be a good idea to hire her on as an consultant. Mr. Loonan suggested that the planning commission read Section 107 that explains what they do. It suggests that you assign a Chair person and they would report to the council, or Council member Golias could report. City Clerk stated that First Resource Bank in Apple Valley is moving to Minneapolis. The bank is interested in keeping our business so they have offered some services to help us out. First is a deposit machine, used on the cities computer that would deposit checks instantly. Along with the machine comes a stamp for depositing the checks. The bank is doing very well so moving is not because of any financial problems. Janet even offered to drop things off at the Clerks home since she lives in Apple Valley and the Clerk’s home would be on her way. Mayor Mielke suggested that we stay with the bank, since they have been so good to us over the years especially with the General obligation bond. They are very helpful for the city and are very flexible. Staff Comments closed at 9:00 pm

14. Closed meeting cancelled.

15. Adjourn: 9:01 pm Motion to adjourn the meeting by Council Member Donnelly, seconded by Council Member Golias. Motioned passed 5-0