**City Of Mendota**

**Dakota County Minutes of the Regular Meeting**

**Held Tuesday December 10, 2013**

**Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota, Minnesota**

**held at 7:30 pm at the Mendota VFW 1323 Sibley Memorial Hwy Mendota, Minnesota**

**Present:** Mayor; Brian Mielke, Council Members; Joan Perron, Erick Lehet and Alan Ralston, Chief of Police; Mike Aschenbrener, City Attorney; Tom Lehmann and City Clerk; KimberLee West.

**Absent:**  Building Official; David Neameyer.

**1. Mayor Brian Mielke opened the City Council Meeting at 7:30 p.m. with the Pledge of Allegiance.**

**Minutes:** **Moved by Councilmember Perron, seconded by Councilmember Ralston to approve the November 12, 2013 City Council minutes. Passed 4-0.**

**Agenda:** **The agenda was approved with the addition of item 6 a. Attorney Andy Pratt speaks about bond issue and 8 a. Tobacco Ordinance. Motion by Councilmember Perron, seconded by Councilmember Ralston to approve the agenda with the above amendments. Passed 4-0.**

**2. Treasurer’s Report:** **Motion** **by Councilmember Ralston, seconded by Councilmember Perron to pay the November 2013 disbursements with the addition of Aggregate Industry bill for $708.72. Passed 4-0.**

**3. General Disbursements –**

Transfer from Sewer Fund $1,374.16 to General Fund for monthly wastewater bill, transfer $10,000 from Money Market Fund to General Fund.

**Approve payment for the above disbursements and transfers. Motion by Councilmember Lehet, seconded by Councilmember Perron. Passed 4-0.**

**4. Interview Council Applicants –** One application for the open council position was received. Resident Melody Rasmussen has lived in the City of Mendota all her life and has raised two children here. Rasmussen stated that she is interested in the future of the city and would like the opportunity to give back. Rasmussen works as the Lead Banquet Coordinator at the Minneapolis Knights of Columbus and is a freelance florist. **Motion by Councilmember Ralston, seconded by Councilmember Lehet to appoint Melody Rasmussen to the City Council. Passed 4-0.**

Attorney Tom Lehmann gave Rasmussen the Oath of Office. The Council welcomed Melody Rasmussen as their new member and she took her place at the council table.

**5. Resolution 13-08 Approving the Assessments for unpaid Sewer Bills -** Mayor Mielke asked how many properties were being assessed. Clerk West has 9. **Motion by Councilmember Ralston, seconded by Councilmember Lehet to approve Resolution 13-08 to assess past due sewer bills. Passed 5-0.**

**6. Resolution 13-09 Authorizing the Vacation of First Street -** Attorney Tom Lehmann explained to the council that it is required by statute to adopt a resolution for the vacation of First Street. Councilmember Ralston asked Clerk West if Jim Toye had paid for the newspaper publications. Clerk West has received payment for those publications. **Motion by Councilmember Ralston, seconded by Councilmember Lehet to adopt Resolution 13-09 Vacation of First Street. Passed 5-0.**

**6. a. Bond Attorney Andy Pratt –** Attorney Lehmann introduced Attorney Andy Pratt saying Pratt has unique ideas. Pratt explained to the council the steps to take when bond planning. 1.) Identify a plan 2.) Post and hold a public hearing. 3.) Take public feedback. Pratt also said he can advise the city on state statutes and financing.

**7. Resolution 13-10 Approve Final 2014 Tax Levy –** The levy for the City of Mendota is set at 154,591.93. **Motion by Councilmember Perron, seconded by Councilmember Lehet to approve the 2014 Levy. Passed 5-0.**

**8. Sign Joint Powers Agreement between the City of Mendota and Dakota County –** The City will receive a grant in the amount of $1,100 for recycling.  **Motion by Councilmember Ralston, seconded by Councilmember Perron to accept the agreement with Dakota County. Passed 5-0.**

**8. a. Tobacco Ordinance –** Police Chief Aschenbrener told the council that the cities of Mendota Heights and Lilydale have both approved a tobacco ordinance. Each city has its own version of the ordinance. Aschenbrener said that it is a good idea for the City of Mendota to take action and adopt regulations toward tobacco. Attorney Lehmann added the ordinance is written to prohibit smoking e-cigarettes in any public place and to prevent the sale of e-cigarettes to anyone under the age of 18. Aschenbrener stated that e-cigarettes are not regulated and can be inconsistent from brand to brand. The Council voiced their concern on barring e-cigarettes from restaurants and bars in the city and will wait until the January council meeting before considering the ordinance.

**9. Public Comment –** Opened at 8:22 p.m. No Comment**. Public Comment closed at 8:22 p.m.**

**10. Council Comment –** Opened at 8:23 p.m.

Councilmember Rasmussen stated there are potholes on Second Street that should be fixed.

Councilmember Lehet thanked Mayor Mielke for the Santa party. Lehet asked the other councilmembers who is taking care of the vacant Goers residence. Mayor Mielke says there is a sister and a nephew that have checked in on the home. Lehet also mentioned the potholes on Second Street.

Councilmember Ralston asked what the standard is on snow removal. Ralston sited Section 604 of the City Code noting that it is unlawful to deposit snow upon public roads and that sidewalks must be cleared within 12 hours of a snow fall. Ralston asked if this is a reasonable standard. He also commented that he and his neighbors on Highway 13 have no place to put their excess snow. Attorney Lehmann said as long as there is a walking path Ralston is not in violation.

Mayor Mielke remarked that here are still street lights on upper D Street, and mail is available for viewing.

Councilmember Perron no comment.

**Council comment closed at 8:39 p.m.**

**11. Staff Comment** - Opened at 8:39 p.m.

Building Official Neameyer sent an email to Clerk West saying a week ago he inspected the exterior of the storage shed and informed the contractor by phone that they could proceed and get the structure weatherproofed, since then he hasn’t seen any progress. Otherwise he had nothing unusual to report.

Police Chief Aschenbrener no comment.

Attorney Lehmann reported the City of Mendota Heights has adopted a social host ordinance and suggests the City of Mendota do the same. The ordinance makes it unlawful to provide an environment where underage drinking takes place and considers a family member of the property owner who is at the event a host, regardless of their age. The host could be charged with a misdemeanor offense with a maximum penalty of 90 days in jail and a $1,000 fine. Lehmann is also working on a head shop ordinance to be presented at the January council meeting. This ordinance will prevent those type of business from establishing themselves in the City of Mendota. Lehmann has spoken with Dave Walha from the Axel/Bonfire Company. Lehmann says Walha is aware of the berm situation and will remedy it in the spring.

City Clerk West thanked the council for the new computer the city purchased. West said the computer was needed and has made her work much easier.

**Staff Comment closed at 8:51 p.m.**

**12. There being no further business, Motion by Councilmember Rasmussen, seconded by Councilmember Lehet to adjourn the City Council Meeting at 8:52 p.m. Passed 5-0.**

Respectfully Submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

KimberLee West, City Clerk