**City Of Mendota**

**Dakota County Minutes of the Regular Meeting**

**Held Tuesday February 11, 2014**

**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, Alan Ralston, Erick Lehet and Melody Rasmussen, Chief of Police; Mike Aschenbrener, City Attorney; Tom Lehmann, Building Official; David Neameyer and City Clerk; KimberLee West.

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

**Minutes:** **Moved by Councilmember Ralston, seconded by Councilmember Lehet to approve the January 14, 2014 City Council minutes as presented. Passed 5-0.**

**Agenda:** The agenda was approved with the addition ofitem 6b liquor license approval. **Motion by Councilmember Perron, seconded by Councilmember Lehet to approve the agenda with the above amendment. Passed 5-0.**

**2. Treasurer’s Report:** Councilmember Ralston called into question the General Fund ending balance. But suggests the council move forward. Clerk West will check the bank statements. **Motion** **by Councilmember Ralston, seconded by Councilmember Perron to pay the January disbursements. Passed 5-0.**

Mayor Mielke added that he authorized a triple order of sand and salt from Aggregate Industries, due to a sand and salt shortage.

Corrected Treasures Report:



**3. Disbursements -**



Transfer from Sewer Fund $1,374.16 to General Fund for wastewater charge**. Motion by Councilmember Perron, seconded by Councilmember Ralston to approve the above transfer.**

**Passed 5-0.**

**4.** **Coal Tar Ordinance 14-03** – Attorney Lehmann explained to the council that the State of Minnesota has passed a law prohibiting the use of coal tar in the state. Lehmann said it is up to each city to enact an ordinance to establish its enforcement authority under the new state law. Coal tar sealant has been found in lakes, rivers, streams and other bodies of water that are natural assets which enhance the environment, recreational, cultural and economic resources and contribute to the general health and welfare of the community. Anyone in violation of this ordinance will be guilty of a misdemeanor and shall receive a fine not to exceed $1000 and or imprisonment for 90 days. Councilmember Ralston asked how the city will enforce such an issue. Attorney Lehmann suggested educating the public by printing the information in a newsletter and posting it at the Post Office. **Motion by Councilmember Lehet, seconded by Councilmember Ralston to adopt Coal Tar Ordinance 14-03. Passed 5-0.**

**5.** **2014 Road Overlay Project** – Mayor Mielke said he talked with Home Federal Bank and they are interested in working with the City of Mendota. The bank is asking for collateral, Mielke suggested using Local Government Aid that that city receives. The City of Mendota would borrow $68,000 and make payments over 3 to 5 years. Interest rate at 5.29% for three years and an interest rate of 5.59% for five years. Councilmember Ralston said he is opposed to assessing the residents of Mendota. Mayor Mielke asked if the rest of the Councilmembers felt the same way. It was unanimous. The City will borrow money to help pay for the road overlay project. Councilmember Ralston asked that the city speak with a second lending institution for competitive interest rates. Ralston suggested US Federal Credit Union. Clerk West will contact them. The discussion on financing the Road Overlay Project will be continued at the next City Council Meeting in March.

**6. Limiting the City to one Garbage Hauler** – Two garbage haulers sent in bids to the city.

**Highland Sanitation**

P.O. Box 226

Newport, MN 55055

651-458-0043

Trash $ 7.00 **35gallon**  Trash $ 9.00 **65gallon**  Trash $11.00 **95gallon**

Recycling $ 5.00 Recycling $ 5.00 Recycling $ 5.00

Tax $ .68\_\_\_\_\_\_\_ Tax $ .88\_\_\_\_\_\_\_ Tax $ 1.07\_\_\_\_\_\_\_

Total $12.68 a month Total $14.88 a month Total $17.07 a month

**Troje’s Trash and Recycling**

6010 Concord Blvd.

Inver Grove Heights, MN 55076

651-459-8223

Trash $ 7.00 **65gallon**

Recycling $ 6.00

Tax $ .68\_\_\_\_\_\_\_\_

Total $13.68 a month

Mayor Mielke said there is not a fantastic savings. Adding the point is to save wear and tear and the health of the roads. Mayor Mielke asked the council if they had spoken to any residents about the possibility of changing to one garbage hauler. No one had.

Building Official Neameyer suggested informing the residents on the pro’s and cons, damage to roads and explaining why the city is considering one hauler.

Councilmember Ralston read a written statement he had prepared:

I am opposed to any legislation that would limit the number of garbage haulers in the City of Mendota. Such an ordinance would remove the right of private citizens to contract with private companies for perfectly legal services. Government should not be in the business of determining which companies will be winners and losers in the private market place. Right now five companies effectively compete for our business and this keeps rates low and service levels high.

We as a city have accepted fees from Waste Management, Highland Sanitation, Nitti Sanitation, Troje’s Trash Pick-up and Allied Waste and in return have issued these companies business licenses to haul garbage from the city during 2014. Are we now going to void these licenses and return their fees? That sounds like a breach of contract to me. Will we tell these companies that they cannot accept new customers after a certain date?

Will there be an individual mandate that compels citizens to purchase services from the designated company? Will there be a penalty if someone wants to haul their own trash to the dump and not enter into a contract? Will the service be “one size fits all” or will the customer be able to scale the service to match trash volume? Will the same rules apply to the businesses located on Highway 13? Will they need to purchase dumpster services only from the designated trash hauler?

Are you at all concerned that a large company like Waste Management could “low bid” the market and stand to suffer losses for several years until such time that the smaller independent companies are driven out of the market? Once the competition has been eliminated, what do you think will happen to rates and customer service?

I see no justification for establishing a monopoly and eliminating the citizens’ right to choose their own garbage hauler.

Alan Ralston 2-11-2014

Councilmember Ralston suggested getting waste haulers rates and posting them on our website. Making residents mindful and able to make their own decisions on who will they will hire to haul their trash. Adding this is a radical step taking away residents rights. Councilmember Ralston said there are companies out there that have medium sized trucks with less axel weight.

Mayor Mielke asked each councilmember if they were in favor of gathering more information on trash our current trash haulers.

Councilmember Perron is in favor of further discussion.

Councilmember Ralston said he is against pursing the process and would like public involvement.

Councilmember Lehet is in favor of further discussion.

Councilmember Rasmussen is in favor of further discussion.

Mayor Mielke added he wants to do the best thing for the city. Attorney Lehmann suggested the city offer residents’ two choices in haulers. That way residents still have a choice, and there is less impact on the roads. Clerk West will send information to residents. Discussion will continue at the March 2014 City Council Meeting.

**6b. Liquor License Approval –** Clerk West received liquor license applications from Lucky’s 13 and VFW. **Motion by Councilmember Perron, seconded by Councilmember Ralston to approve the two liquor license that have been received. Passed 5-0.**

Attorney Lehmann said assuming Axel’s has applied for their liquor license the council can conditionally approve Axel’s liquor license. **Motion by Councilmember Lehet, seconded by Councilmember Rasmussen to conditionally approve Axel’s liquor license pending it is received by the city. Passed 5-0.**

**7. Public Comment -** opened at 8:37 p.m. No public comment was made.

Public comment was closed at 8:37 p.m.

**8. Council Comment –** opened at 8:37 p.m.

Councilmember Rasmussen – no comment

Councilmember Lehet asked if there was a sewer problem at the house next door to Lucky’s. Police Chief Aschenbrener said it was frozen pipes at the home. Councilmember Lehet commented that his is unable to take charge of Mendota Day this year. The VFW has said they will not be involved this year, but the city can use the parking lot. Councilmember Lehet said someone will have to help organizing Mendota Day by donating their time.

Councilmember Ralston said there has been no attempt to clear snow from sidewalks by the business and homes asked to do so. Letters were sent by Clerk West to businesses and residents on Highway 13 violating the cities snow removal code. People are still walking in the streets and its dangerous said Councilmember Ralston. Clerk West will turn the information over to Police Chief Aschenbrener and he will deliver an official letter to the owners of the properties. Clerk West will also send a letter to the owners of 1300 Hwy 13 asking the owner to please remove the snow from the sidewalk.

Mayor Brian Mielke has mail available for review. Mayor Mielke said he attended the Mayors parade at the Winter Carnival.

Councilmember Perron – no comment

Council comment closed at 8:58 p.m.

**9. Staff Comment –** opened at 8:58 p.m.

Building Official David Neameyer said there was not much permit activity during the month of January.

Neameyer said the cities shed meets code but he has not closed the permit. Neameyer questioned the siding on the shed stating it’s different from what is on the permit. Neameyer sought the council’s approval that the shed meets their expectations. Mayor Mielke said he met with the builder and authorized upgrading to a roll up door. Siding was not discussed. Mayor Mielke said cost was an issue when it came to the shed he would not have approved more expensive siding.

Attorney Lehmann stated he had a summary publication of Host Ordinance 14-1 for the Mayor to sign. As well as a formal acceptance of Josh Lee’s resignation from the council and Melody Rasmussen’s acceptance of the council position.

Police Chief Aschenbrener – no report

Clerk West – no report

Staff comment was closed at 9:10 p.m.

**There being no further business, it was motioned by Councilmember Rasmussen, seconded by Councilmember Lehet to adjourn the City Council Meeting at 9:10 p.m.**

Respectfully submitted:

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KimberLee West, City Clerk