**Dakota County Minutes of the Regular Meeting**

**held Tuesday May 13, 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 and Melody Rasmussen, Building Official; David Neameyer, Chief of Police; Mike Aschenbrener, City Attorney; Tom Lehmann and City Clerk; KimberLee West.

**Absent:** Councilmember Erick Lehet

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

**Minutes -** Change of the word “sent” to “send” in council comment. **Motion by Councilmember Perron, seconded by Councilmember Ralston to approve the April 8, 2014 City Council minutes as corrected. Passed 4-0.**

**Agenda -** **Motion by Councilmember Perron, seconded by Councilmember Ralston to approve the agenda. Passed 4-0.**

**2. Treasurer’s Report -** Transfer from Sewer Fund to General Fund in the amount of $1,374.16 for the wastewater bill. No other transfers this month. **Motion** **by Councilmember Perron, seconded by Councilmember Ralston to approve the above transfer. Passed 4-0.**

**3. Disbursements –**



**Motion by Councilmember Ralston, seconded by Councilmember Perron to pay the May bills.**

**Passed 4-0.**

**4. NDC4 Cable Franchise Renewal -** Executive Director Jodi Millerinformed the council on the basic process forrenewal. The current franchise agreement with Comcast expires in March 2015. The franchise is non-exclusive and it defined the type and the quality of service provided by cable operators. Typically the franchise is 10-15 years in length and takes three years to go through the contract renewal process. Miller explained there are two ways renewal can be accomplished. One is an informal process with very few deadlines and little leverage. The other is a formal process where the NDC4 has greater leverage and the process is very structured, but is more expensive and time consuming. NDC4 has been proceeding informally and is two-thirds of the way through the three year process. The first meeting with Comcast will be this June. In October the NDC4 will evaluate how the informal process is going and decide if they need to switch to the formal process. Miller added that some issues are the funding for PEG (public, education and government) channels, I-Net and keeping up with technology. The NDC4 would like to continue with the current structure that is in place now in which NDC4 is able to use the fiber network as they see fit. Councilmember Ralston asked who owns the cable wires. Miller said Comcast does and they can choose to abandon them and that another company can’t come in and use them without purchasing them from Comcast.

Miller also told the council that Comcast is merging with Time Warner. Miller added that this process requires federal approval and that the Twin Cities properties could be spun-off to a new entity called SpinCo.

Miller said public input is critical to the renewal process. NDC4 will be conducting telephone surveys with current Comcast subscribers. Subscribers will be asked about public, educational, and government channels and their experience with Comcast. With community support the NDC4 can guarantee state-of-the-art services, assure customer service and service rates. A franchise ordinance will be provided to the city by January 1, 2015 for review and approval.

**5. Street Reconstruction Draft Resolution and Closing Documents -** Bond Attorney Andy Pratt informed the council that Home Federal Bank will not be able to handle the city’s Street Reconstruction Bond. Home Federal Bank wanted to do a loan but it is against Minnesota State law for a city to take out a loan.

Eagle Valley Bank has stepped in to issue a bond to the city in the amount of $71,000. Attorney Pratt introduced Senior Vice President, Janet Alland from Eagle Valley Bank. Alland thanked the city for the opportunity to work with them. Alland said Eagle Valley Bank can offer an interest rate of 2.990% with semi-annual payments, the first payment of $12,337.86 due August 2014. Mayor Mielke asked if the first payment can be extended to February 2015. Attorney Pratt said state law imposes a maximum three-year duration and changing the first payment date will make it three and a half years. Attorney Pratt added that the city may issue one renewal of the temporary bond for three more years if necessary. Eagle Valley Bank will work with Attorney Pratt and move the first installment date to February 1, 2015. **Motion by Councilmember Ralston, seconded by Councilmember Rasmussen to approve Resolution 14-04 Street Reconstruction Bond, contingent that the first installment is due February 1, 2015. Passed 4-0.**

**6. Lawn Mowing Bids –** Four bids were received from area lawn mowing services. Village Lawn Service was the lowest bid at $135 per mowing trip. The council asked Clerk West to clarify with the company that the lawn will be mowed once a week and not more. Attorney Lehmann said the city is exempt from paying sales tax on lawn service. Clerk West will notify Village Lawn Service.

**7. Trash Committee update –** No report.

Clerk West asked the council if they wanted to pick a day in June for a city wide clean up. The council decided on Saturday, June 14th. Clerk West told the council she has been in contact with A1 Recycling. A1 Recycling offered to pick up recyclable appliances for free as long as they were place in one central location for pick up. The council decided to have two places designated for appliance drop off. One is at the city park near the handicapped parking and the other is the parking lot of Benson Metal’s. Clerk West will contact Benson Metal’s to see if they are willing to let the city use their parking lot. Clerk West asked the council if a dumpster needed for clean-up day. The council felt a wood chipper would be of more use. And maybe a log splitter added Mayor Mielke. Clerk West will contact A1 Recycling to schedule a pick up for Monday June 16.

**8. Conditional Use Permits –** Conditional Use Permit renewal forms have been received from Fun Jumps, Lucky’s 13 Pub and Landmark Fence. Fun Jump’s permit – approved - pending they move their trucks off of Highway 13. Attorney Lehmann said City Code 409.07 and 409.08 say it is illegal to park trucks on Highway 13. Landmark Fence permit – approved. Lucky’s 13 Pub – denied until a suitable fence or screen is placed at 1348 SMH to reduce visibility of unsightly storage items from Highway 13. Berg Plumbing and Bard Flowers have not yet submitted their conditional use permits. **Motion by Councilmember Ralston, seconded by Councilmember Perron to approve Landmark Fence CUP, approve Fun Jump’s CUP pending the removal of their trucks off Hwy. 13, and to deny Lucky’s 13 Pub CUP until they put up a screen or fence to hide unsightly storage items from Hwy. 13. Passed 4-0.**

**9. SWPPP - Public Hearing on the adequacy and effectiveness of the Storm Water Pollution Prevention Program –** Public Hearingopened at 8:48 p.m.

Clerk West informed the City Council and residents on information regarding the Best Management Practices for storm water.

The City of Mendota is required to perform and document through the Minnesota Pollution Control Agency’s (MPCA) MS4 Permit. The MPCA has three standards within the BMPs that the city has to follow they include:

1. Education program-The City of Mendota must educate the public regarding storm water management practices through educational material provided with sewer billing statements.
2. Plan review-The City of Mendota must scrutinize construction plans to make sure no source of pollution is infiltrating the storm water system.
3. Documentation-The City of Mendota must ensure the BMPs are implemented through documentation of erosion/sediment control, as well as measures the City takes to address the needs and/or changes within the storm water management program.

No public comment was made.

The Public Hearing was closed at 8:49 p.m.

**10. Ordinance 14-04 Prohibiting Peddlers, Solicitors and Transient Merchants and regulating non-commercial door to door advocates –** Clerk West informed the City Council that an organization called Clean Water Action wanted to know the cities policy on doing door to door sales in Mendota. Clerk West said she could not find anything in the city code pertaining to door to door sales and so she contacted Attorney Lehmann. Attorney Lehmann emailed a model ordinance to Clerk West. Attorney Lehmann said this ordinance is very restrictive and does not allow making any exceptions to any organization. Councilmember Rasmussen said there hasn’t been any issues with door to door sales in the city. Adding this could create more of a problem. Attorney Lehmann said those wanting to go door to door would need to obtain a license. Chief of Police Aschenbrener added a good way of weeding out criminals is by licensing them and running a background check. If a person has three or more felonies they are denied a door to door sales license said Chief Aschenbrener. The council decide to table Ordinance 14-04 and revisit it at a later date if needed.

**11. Public Comment –** Public Comment opened at 8:58 p.m.

Resident Robinette said that sand has washed down around the edges of city streets. Robinette added that 2nd street is the worst. Robinette suggested that Willard Perron be hired to remove the sand before the roads are resurfaced. The council preauthorized sand clean-up in the amount of $850.

Public Comment closed at 9:03 p.m.

**12. Council Comment –** Council Comment opened at 9:03 p.m.

Councilmember Rasmussen no comment.

Councilmember Ralston asked Police Chief Aschenbrener if the speed sign could be placed on Hwy 13. Councilmember Ralston said that north bound traffic is going too fast. Chief Aschenbrener said the battery is being replaced in the speed machine. Chief Aschenbrener added that he can have the sign placed on Hwy 13.

Mayor Brian Mielke announced he will be relocating to Los Angeles August 1st. Mayor Mielke said proto- call is that the Deputy Mayor move into the Mayor position. Mayor Mielke said he has spoken with Councilmember Ralston and he is willing to step into the Mayor’s position.

Councilmember Perron asked that snow removal checks be made out to Lance Perron instead of Kim Perron. Councilmember Perron told the council that Dan Dahlberg wants to use the picnic tables from the city park at Bogies on June 1st for a retirement party.

Council Comment closed at 9:10 p.m.

**13. Staff Comment –** Staff Comment opened at 9:10 p.m.

Building Official David Neameyer said there was not much permit activity for the month of April. Building Official Neameyer added there will be a couple of roofing permits coming in.

Police Chief Aschenbrener said the police department will be short officers over the summer due to several officers retiring this spring. Chief Aschenbrener also said that extra efforts are being placed on “hot spots” within Dakota County. Chief Aschenbrener said that data from Comp. System gives officers a date, time and place to find offenders. Chief Aschenbrener added there are no “hot spots” in the City of Mendota. Chief Aschenbrener invited the council to a BBQ at the police station on Thursday May 15th. The noon and 9:30 p.m. BBQ is to honor those officers lost in the line of duty in the State of Minnesota. Chief Aschenbrener added donations will go to help families who have lost officers.

Attorney Tom Lehmann said he has drawn up paperwork to renew the lease of Benson Metals with the State of Minnesota. All that’s need is signatures from the Mayor and City Clerk.

Clerk West – no comment.

**There being no further business, it was motioned by Councilmember Rasmussen, seconded by Councilmember Perron to adjourn the City Council Meeting at 9:15 p.m.**

Respectively submitted:

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KimberLee West, City Clerk