**City Of Mendota**

**Dakota County Minutes of the Regular Meeting**

**Held Tuesday September 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.

**Also Present:** Police Chief; Mike Aschenbrener, Building Official; David Neameyer, City Clerk; KimberLee West, Dakota County Community Development Agency; Lisa Henning, Karl Robinette, Jim Toye and Joan Neilson.

**Absent:**  Council Member Josh Lee and City Attorney Tom Lehmann.

**1. Mayor Brian Mielke opened the City Council Meeting at 7:32 p.m. with the Pledge of Allegiance.**

Mayor Mielke mentioned that City Attorney Tom Lehmann will arrive at 8 p.m.

**Minutes:** Moved by Councilmember Perron, seconded by Councilmember Lehet to approve the August 13, 2013 minutes as presented. Passed 4-0.

**Agenda:** The agenda was approved with the addition of 3B. Resolution 13-02 A Preliminary Tax Levy for 2014 and 4B. Resolution 13-01 To Authorize a Mutual Agreement for Emergency Management with Dakota County.

Passed 4-0.

**2. Treasurer’s Report:**  **Motion** **by Councilmember Ralston, seconded by Councilmember Perron to pay the August 2013 disbursements as presented with the addition if the Xcel Energy bill of $381.17. Passed 4-0.**

**General Disbursements August:**

Met Council-monthly wastewater charge $ 1,268.12

Eckberg & Lammers-monthly attorney fee $ 2,000.00

Kim Perron-snow removal $ 832.50

City of Mendota Heights-monthly police & fire, past due police $ 7,938.61

State of MN-rent for Benson Metals $ 140.00

Xcel Energy-jail lights $ 11.22

Xcel Energy-street lights $ 381.17

PERA-August contribution / filed electronically $ 114.74

KimberLee West-clerks salary August $ 706.41

KimberLee West-clerks expense- August phone, envelopes, stamps, ink $ 199.18

David Neameyer-building permits $ 447.93

McDonough’s-sewer cleaning $ 3,526.00

**Enterprise Fund Disbursements:**

Xcel Energy-park lights $ 11.19

David Olin Mowing $ 750.00

Biff’s-Veterans Park $ 71.29

Mendota Day $1,100.00

**Total Disbursements: $ 19,498.36**

Mayor Mielke tabled the treasure’s report until Attorney Tom Lehmann arrives.

**3**. Lisa Henning from the Dakota County Community Development Agency presented the council with two bids that she received for the shed at Veterans Park. One bid for the amount of $7750 includes metal siding and a metal roof with double doors and a ramp to access the shed. The second is for the amount of $7985 with cement board siding that will need to be painted, a steel roof and double doors. Building Official David Neameyer will waive his inspection fee for the shed. Dakota County requires a $166.25 fee for the permit. After discussing both it was **Motion by Councilmember Lehet, seconded by Councilmember Perron to accept the bid proposal for $7750. Passed 4-0.**

Lisa Henning also mentioned that the City of Mendota has received a grant for a new playground. She will begin

the bidding process soon so playground construction can start in the spring of 2014.

 City Attorney Tom Lehmann arrives.

**Treasure’s Report**: City Attorney Tom Lehmann says a separate account needs to be set up for Mendota Day funds. Attorney Lehmann recognizes there have been four deposits into the Enterprise Fund and checks written to cover Mendota Day bills. A Resolution will be presented to the council at the October meeting. For now, all Mendota Day receipts will be turned over to the City Clerk/Treasurer for record keeping.

Transfer from Sewer Fund $4,794.12 to General Fund for wastewater bill and sewer cleaning.

**Motion by Councilmember Lehet, seconded by Councilmember Ralston to approve the payments for the above disbursements and transfer. Passed 4-0.**

**3B. Resolution 13-02 to approve the 2014 Preliminary Tax Levy.** It was decided by the City Council to set the 2014 Tax Levy at $154,591.93. **Motion by Councilmember Ralston, seconded by Councilmember Lehet to approve Resolution 13-02. Passed 4-0.**

**4.**  **Public Hearing was opened by Mayor Mielke at 8:07 p.m.**

Jim Toye has petitioned the City of Mendota to vacate a portion of First Street.

**Public Comment -** Resident Karl Robinette says the property has been a junk yard with railroad ties, old tires, cars and hazardous waste and with its size not much can be built there. He asks what future developments will go there.

City Attorney Tom Lehmann says once the street is given up, the city has no warranty on what goes there. Robinette also asked about parking saying it is very limited already.

Petitioner Jim Toye obtained the property 10 years ago when no one else wanted it. He says it was a good value and he wanted to clean it up. He says he had a plan with the Territory Pioneers and the Native Americans to build on the property but funding was an issue. Toye gave no insight as to what is going to be done with the property at this time. **With no other comments Public Comment was closed at 8:20 p.m.**

The council voted: Lehet- No, Ralston- Yes, Mielke- Yes and Perron- No. Failed 2-2. Saying it’s not in the cities best interest. Jim Toye would like copies of the last 15 years of vacated streets.

**4B. Resolution to Authorize a Mutual Aid Agreement for Emergency Management** with Dakota Countyis tabled until the October 8, 2013 City Council Meeting.

**5. Public Comment was opened at 8:34 p.m.**

Resident Karl Robinette noted that dead trees need to be removed and other trees trimmed up along city roads. And a bush and a tree covering the stop sign on G Street and 2nd need to be cut back. City Clerk West will get bids on tree trimming for the city.

**Public comment was closed at 8:41 p.m.**

**6. Council Comment** was opened at 8:41 p.m.

Councilmember Erick Lehet asks what became of Axel’s property and its noncompliance. Clerk West says the General Manager of Axel’s has been in contact with her. City Clerk West says three of the dead trees have been removed as requested and Gerten’s Garden Center has been contacted to help with the area. The City Council then decided that no fine is necessary since Axel’s is trying to remedy the problem but would like for Axel’s to attend the October council meeting to inform the council of its plans. Councilmember Lehet says anyone that wants to help move tables and chair to the park for the city picnic will meet at the VFW 10 a.m. on Saturday September 14th. He will also contact Councilmember Josh Lee about a sound system.

Councilmember Alan Ralston says a meeting was held with the DNR about new rule making for the Mississippi River Corridor Area that includes the City of Mendota. The city is separated into 2 districts. There are no major changes in the rules and they will have little impact on the city says Councilmember Ralston.

Mayor Brian Mielke says the street light on 2nd Street is still not on consistently and he would like Xcel sent back out to look at it. Councilmember Lehet added there is a pole near his home that is leaning. The City Clerk will contact Xcel.

Councilmember Joan Perron - No Comment.

**Closed Council Comment at 8:56 p.m.**

**7. Staff Comment opened at 8:56 p.m.**

Building Official David Neameyer says the stucco work on the homes in the 1200 block of Highway 13 is almost done.

Police Chief Mike Aschenbrener says the Tobacco Ordinance he has been working on should be ready by the October 8, 2013 City Council Meeting.

City Attorney Tom Lehmann – No Report.

City Clerk KimberLee West says a resolution will be presented at the October 8, 2013 City Council Meeting as it relates to the Mayor and Council Persons receiving no pay. She will also look into getting road overlay bids as well as bids for tree trimming.

**Motion by Councilmember Ralston, seconded by Councilmember Lehet to adjourn the City Council Meeting at 9:00 p.m. to a Closed Meeting. Passed 4-0.**

**8. Adjourn to Closed Meeting for legal matters pursuant to Minnesota Statute §13D.05 subd. 3(b). The governing body may by a majority vote in a public meeting decide to hold a closed meeting to consider matters that are protected by the attorney-client privilege was called to order at 9:00 p.m.**

**The meeting was closed at 9:17 p.m.**

**9. There being no further business, it was Motion by Councilmember Lehet, seconded by Councilmember Perron to adjourned the City Council Meeting at 9:17 p.m.**

Respectfully submitted:

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KimberLee West, City Clerk