Minutes for Regular City Council Meeting held on October 9, 2012

Present: Deputy Mayor: Alan Ralston

 Council Members: Adam Strain, Joan Perron

Also Present: Building Official David Neameyer, Mendota Heights Police Chief Mike Aschenbrenner, City Attorney Tom Lehmann, City Clerk Jennifer Bruestle

Absent: Mayor Brian Mielke, Council Member Josh Lee

Deputy Mayor Alan Ralston opened the City Council Meeting at 7:30 p.m. with the Pledge of Allegiance.

Minutes: It was moved (Perron/Strain) to approve the September 11, 2012 minutes as presented.

Passed 3-0.

Agenda: Motioned by Strain, seconded by Perron to approve the agenda with the deletion of item #4,

Lisa Henning with the CDA to offer proposals and receive recommendations for storage shed options.

Passed 3-0.

Treasurer’s Report: Motioned by Strain, seconded by Perron to approve the treasurer’s report as

Presented with the deletion of the disbursement to Earl F. Anderson and the conditional approval of the

Xcel Energy bill.

General Fund Disbursements:

Met Council—monthly wastewater charge for September $ 1,189.41

Lehmann & Lutter—Attorney fees $ 2,000.00

Kim Perron—Snow Removal $ 832.50

City of Mendota Heights—Police & Fire $ 8,776.11

State of MN—Rent for Benson Metals $ 140.00

Xcel Energy—jail lights $ 6.35

Xcel Energy—street lights $ 178.87

T & T Disposal—recycling of railroad ties from Veteran’s Park $ 534.00

PERA for September $ 135.00

Social Security for 3rd Quarter $ 399.00

State Withholding for 3rd Quarter $ 69.54

Jennifer Bruestle—phone service, copies, postage $ 143.18

Jennifer Bruestle—clerk salary for September $ 1,000.00

Enterprise Fund Disbursements:

Xcel Energy—park lights $ 5.56

Biffs for September $ 71.29

David Olin Mowing $ 750.00

Walmart—bikes for picnic $ 171.34

Sunset Trails—DJ for picnic $ 695.00

Fun Jumps—jump house for picnic $ 125.00

Cub Foods—food for picnic $ 501.87

Jim Perron—tent rental for picnic $ 50.00

Crown Trophy—trophies for picnic $ 37.28

It was moved (Perron/Strain) to approve the transfer of $1,189.41 from the sewer fund to the general fund for the monthly wastewater charge, a transfer of $534.00 from the recycling fund to the general fund for the cost of recycling railroad ties from Veteran’s Park, as well as a transfer of $15,000 from the money market fund to the general fund to maintain the general fund balance. Passed 3-0.

Paul Oster and Paul Ptak of 1316 3rd Street to present garage plan for approval:

Contractor Paul Ptak offered plans illustrating the roadway of 3rd Street to be 20’ in width, with the garage to be placed 27’ from the centerline of the roadway. City Ordinance 803.03 requires a setback of 50’ from the centerline of the right of way.

Mr. Oster stated the garage cannot be placed in an alternate location due to the topography of his lot, the placement of the underground utilities, as well as the 50’ setback requirement of F Street.

Adjacent property owners Pat and Larry Jung offered their concerns regarding the potential placement of Mr. Oster’s garage. These concerns include:

1. Concerned about the negative view they would have by looking at the back of Mr. Oster’s garage.
2. The illegality of constructing a garage within the 50’ from the centerline of the right of way.
3. Mr. and Mrs. Jung have spruce trees planted between their property and Mr. Oster. The Jung’s are concerned the garage would provide too much shade for the spruce trees and cause them to brown and eventually die. Also, Mr. and Mrs. Jung are concerned new trees would not thrive in the shade of the garage.
4. Mr. and Mrs. Jung are concerned Mr. Oster would stack items behind his garage, causing an unsightly view for them.
5. Mr. Jung provided a plat map of his property, which he believes illustrates the potential garage would be placed within the City’s right of way and not on Mr. Oster’s property.

Property owner Paul Oster is formally requesting a variance to place the garage in the location illustrated in the plans offered to the city council.

Clerk Bruestle will provide Mr. Oster with a variance application. Once the variance application is received, Clerk Bruestle will provide notice of a hearing regarding the variance request to residents within 100’ of Mr. Oster’s property.

Public Comment: Public comment opened at 7:55 p.m.

Carl Robinette inquired if Mn/Dot was contacted regarding the curb and gutter within downtown Mendota. Clerk Bruestle informed Mr. Robinette MN/Dot was contacted on a prior occasion, where the City of Mendota was told the curb and gutter would be considered during the storm water project to take place along Highway 13. Mr. Robinette also followed up regarding the electrical panel within Veteran’s Park. Clerk Bruestle informed Mr. Robinette the electrical panel has not been looked at yet, and a time has yet to be determined.

Pat Jung requested restricting parked vehicles at the intersection of Highway 13 and D Street. Police Chief Aschenbrenner stated parking restrictions cannot be altered along a State Highway. MN/Dot recently installed bump outs in order to address the issue of visibility and pedestrian safely at the intersection of Highway 13 and D Street.

Public comment closed at 7:59 p.m.

Council Comment:

**Council Member Adam Strain:** Council Member Strain stated an offer was made on his house, and if finalized this would be his last council meeting as his residency would change. If the offer is not finalized, Council Member Strain would remain on the council.

**Council Member Joan Perron:** Council Member Perron requested City Attorney Tom Lehmann provide his opinion regarding city staff and council members receiving resident complains, suggestions and formal complaints based on the discussion from the September 11, 2012 Council Meeting. City Attorney Tom Lehmann suggested the City of Mendota develop a policy and form outlining how the City of Mendota would receive as well as address complaints and suggestions from residents.

**Deputy Mayor Alan Ralston:** No city mail was provided to Deputy Mayor Ralston for the Meeting. Otherwise, Deputy Mayor Ralston has no comment.

Staff Comment:

**Building Official David Neameyer:** Building Official David Neameyer issued one building permit for the month of September for a re-roof for the Ash House at the Sibley Historical Site. When asked by council for his professional opinion regarding setback requirements, Building Official Neameyer stated, based on his experience as a building official in Inver Grove Heights, most home owners attempt to have as large a back yard as possible; therefore, property owners typically place their home on the closest point to the front setback as possible. So, if the council looks at the setback of neighboring houses you can get an approximate idea of where the placement of the potential garage should be placed to avoid utilities, water/sewer lines, etc. Also, Building Official Neameyer stated the easement is usually wider than the roadway to allow for the placement of utilities, water lines, etc.

**Police Chief Mike Aschenbrenner:** Chief Aschenbrenner stated the fire ban is still in effect; however, he has no formal report.

**City Attorney Tom Lehmann:** No comment

**City Clerk Jennifer Bruestle:** Clerk Bruestle stated Veteran’s Park is closed for the season. The porta potty and garbage service has been cancelled until the spring. Clerk Bruestle informed council a representative from the CDA would like to attend a council meeting to inform Mendota residents of the programs and services the CDA can provide to low income and first time homebuyers to Mendota. The Council was in agreement Clerk Bruestle should provide notice to residents within the next Mendota newsletter; therefore, the CDA presentation would not take place until February 2013.

The public meeting was closed at 8:13 p.m., and the closed meeting was opened at 8:13 p.m.

Motioned by Strain, seconded by Perron to close the closed meeting at 8:27 p.m. Passed 3-0.

There being no further business, it was moved (Strain/Perron) to adjourn the meeting at 8:27 p.m. Passed 3-0.

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Jennifer Bruestle, City Clerk