

**LILYDALE CITY COUNCIL MEETING
January 13, 2014**

Present: Council Members Bob Bullard, John Diehl and Marilyn Lundberg; Tom Lehmann, City Criminal Attorney; Mike Aschenbrener, Mendota Heights Police Department; David Neameyer, Building Official; Mary Schultz, City Clerk and Administrative Assistant, KimberLee West.

Also Present: Jeff Weiss, Barr Engineering and Jim Maher, Planning Commission.

Absent: Mayor Anita Pampusch, Councilmember Warren Peterson, and Mike O'Brien, City Civil Attorney.

Councilmember Bullard presided over the meeting due to the unexpected absence (as a result of a medical emergency) of councilmember Warren Peterson who was to serve as acting mayor in the absence of Mayor Pampusch. Bullard called the meeting to order at 4:32 p.m. The Pledge of Allegiance was recited.

Agenda - Motion by Councilmember Lundberg, seconded by Councilmember Diehl to approve the agenda. Passed 3-0.

Minutes - Motion by Councilmember Diehl, seconded by Councilmember Lundberg to approve the December 9, 2013 City Council Minutes with the following amendments:

Highway 13 Proposal to MnDOT section – Second paragraph, change the word “compromised” to “comprised.” Third paragraph, change the sentence to “Councilmember Lundberg stressed the importance of discussing the size of the pipe that will increase...” and add the word “to” in the last sentence.

Ordinance 13-06 section – 8th sentence, change the word “then” to “than.”

Public Budget Meeting section – First paragraph, change to “At this time being 6:00 p.m. the regular meeting was recessed. Mayor Pampusch declared the public meeting open. No members of the public offered comments.” Fourth paragraph, change last sentence to “With no further comment the Public Budget Meeting closed at 6:10 p.m.” Add “The City Council meeting reconvened at 6:10 p.m.”

Motion passed 3-0.

City Civil Attorney Report - No report.

City Criminal Attorney Report - No report.

Building Official Report - There was no new building permit activity for the month of December. The city was copied on a letter dated December 30, 2013 from Encompass Engineering Consultants regarding the balconies at the Colony Townhomes. The engineer wrote that the bearing ends of the existing precast concrete plank were deteriorating or had minimal bearing. The bearing conditions observed at the end of the planks can be enhanced with new bearing brackets welded to the existing beams. The engineer recommended that the bearing enhancements, along with re-construction of the collapsed balcony, be installed within one year. The engineer also suggested allowing access to the decks with a maximum occupancy of four persons until the supports are added.

Councilmember Diehl suggested the building official send a notice to the residents of the Colony Townhomes acknowledging the letter from Encompass Engineering Consultants about the balconies and stating the council accepts the engineer's recommendations limiting capacity to four persons. **Motion by Councilmember Diehl,**

seconded by Councilmember Lundberg to authorize the building official to send such notice to the Colony Townhomes. Passed 3-0.

Neameyer reported Lexington Riverside's roof is near completion. Councilmember Bullard asked where the water from the roof drains. Neameyer said the water discharges into the yard.

Police Report - Chief Aschenbrener told the council that the Mendota Heights Fire Department has challenged the Mendota Heights Police Department to a wing eating contest. The event will take place at Moose Country on Saturday February 1, 2014. Donations will be given to Special Olympics by the Police Department and to the Fire Relief Fund by the Fire Department. Aschenbrener would like it noted that the Police Department did beat the Fire Department last year, and expects a victory this year as well.

Engineer Report – In a memo to the city council dated January 8, 2014, Jeff Weiss informed the council about a potential change to the Trunk Highway 13 improvement project cost share structure. This change was communicated at a meeting on January 2, 2014, where MnDOT indicated they prefer to do the cost share based on contributing watershed area to the system. Up to this point, there had been an understanding between the city and MnDOT that the cost share would consist of MnDOT paying for their base project and the city would need to pay for any upgrades and changes. Since the time that Weiss's memo was issued, MnDOT has reverted to the original cost share agreement.

Councilmember Lundberg asked if we are still looking at other players contributing to help pay for the cost of the project. Weiss confirmed that Dakota County and Mendota Heights will be contributing.

Weiss submitted a formal proposal to MnDOT on December 11, 2013, outlining several options for managing storm water. MnDOT has since requested a final plan from the city.

Last week, Weiss, along with Councilmembers Bullard and Lundberg met with the Riverain Board and Weiss and Lundberg met with Lexington Riverside to provide an overview of the project and solicit feedback. Lexington Riverside did not express any objections, but Riverain voiced some concerns.

Weiss stated he is considering another option that was not included in the December proposal to MnDOT. This new option, which is not yet fully developed, will involve less risk to properties in the management of storm water, but will likely cost more than the other options. The new plan would divert approximately nine acres of watershed to Lilydale Project #2 and divert only about three to Lilydale Project #1. Weiss will continue to work out the details of this new option.

Lundberg suggested that something be posted on the city's website and flyers be sent out about major changes to the project to keep residents aware.

Summary Ordinance of 13-06 Tobacco - Attorney Lehmann said the Tobacco Ordinance and Message Ordinance were both inadvertently assigned section number 503. To correct this error, Summary Ordinance 13-06 lists the Tobacco Ordinance as Section 504. **Motion by Councilmember Diehl, seconded by Councilmember Lundberg to amend the wording to "Tobacco is updated to address new trends and devices within the tobacco industry" and to accept the summary for publication. Passed 3-0.**

Resolution 14-01 Annual Designations - Motion by Councilmember Diehl, seconded by Councilmember Lundberg to approve the Annual Designations as presented. Passed 3-0.

Liability Coverage Waiver - The League of Minnesota Cities Insurance Trust requires cities to decide whether or not to waive the statutory tort limits to the extent of the coverage purchased. **Motion by Councilmember Lundberg, seconded by Councilmember Diehl to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Passed 3-0.**

Clerk's Report - Clerk Schultz presented the council with the December financial reports. **Motion by Councilmember Diehl, seconded by Councilmember Lundberg to approve the financial reports. Passed 3-0.**

Clerk Schultz provided the council with a list of 44 business that have applied for a 2014 business license. There are no new businesses, but a few business closed in the past year. **Motion by Councilmember Lundberg, seconded by Councilmember Diehl to approve the 2014 businesses that are shown as of January 9, 2014 and any that come in subsequently with the adequate paperwork before our next meeting. Passed 3-0.**

Planning Commissioner Jim Maher would like to be on record that he recently took part in a West Saint Paul/Mendota Heights Police Academy. Maher said the program was outstanding, and he was so impressed with the quality and compassion of the local Police Department. Councilmember Bullard said he'd like to echo Maher's comment saying it's a great program.

There being no further business, the meeting was adjourned at 5:32 p.m.

Respectfully submitted:

Mary Schultz, City Clerk

Final copy reviewed by:

Anita Pampusch, Mayor