

LILYDALE CITY COUNCIL MEETING
February 10, 2014

Present: Mayor Anita Pampusch; Councilmembers Bob Bullard, Warren Peterson and Marilyn Lundberg; 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; Ryan Ruzek, City Engineer Mendota Heights and Andy Pratt, Attorney for Eckberg and Lammers.

Absent: Councilmember John Diehl, Tom Lehmann, City Criminal Attorney and Mike O'Brien, City Civil Attorney.

The City Council Meeting was called to order at 4:38 p.m. by Mayor Pampusch. The Pledge of Allegiance was recited.

Agenda - Motion by Councilmember Bullard, seconded by Councilmember Lundberg to approve the agenda. Passed 4-0.

Minutes - Motion by Councilmember Lundberg, seconded by Councilmember Peterson to approve the January 13, 2014 City Council Minutes. Passed 4-0.

City Civil Attorney – No report.

City Criminal Attorney – No report.

Building Official Report - David Neameyer said there was very light permit activity during the month of January. Neameyer reported to the council that he was surprised to see the fallen balcony and a privacy wall at the Colony Townhomes had been removed since no permit had been issued for the work. Neameyer gave the council photos of the area where the deck had been removed. He stated that Clerk Schultz sent a letter to the residents of Colony Townhomes acknowledging the letter from Encompass Engineering Consultants. The Colony Townhomes have until December of 2014 to have the balconies repaired.

Police Report – No report.

Capital Project Financing – Financial Consultant David Drown advised the City Council on the different financial aspects for the proposed reconstruction of the city's only street, Victoria Road. The cost of the reconstruction is estimated at \$112,000. Drown noted the cost of issuing bonds on a small project like this is proportionately high. A seven year loan would carry an interest rate of about 2.5 percent. Drown told the council that the city has enough money in the General Fund to pay cash for the Victoria Road project. Funds could then be budgeted to replenish the account. Another alternative would be to ask Mendota Heights to include the funding of this project in their bond issue, with Lilydale agreeing to make payments to Mendota Heights. A third option is to assess a portion of the reconstruction costs to the abutting properties (seven homes and the BP gas station). If the council would choose to assess the property owners, Drown suggested Lilydale apply the same methodology that Mendota Heights intends to use for determining their assessments. Councilmember Lundberg says it doesn't seem fair to assess the abutting properties when Victoria Road is a major thoroughfare. Lundberg says she's comfortable using city funds. Councilmember Bullard said the money can be borrowed from the storm water and sewer accounts. Bullard stated that piggy backing on Mendota Heights was also a good alternative. Councilmember Peterson expressed support for using city funds and not assessing.

Councilmember Peterson asked what the city's cost of the 2015 drainage improvements on Highway 13 will be. Engineer Weiss stated it is difficult to nail down the cost as he is waiting to get some numbers from MnDOT. In addition, the Lower Mississippi River Water Management Organization has a formula established

that will determine the financial contribution from the other stakeholders involved. Weiss anticipates the total cost will be less than the \$380,000 noted in the feasibility study. He estimates the cost around \$250,000, with Lilydale paying about 75-90 percent and Dakota County and Mendota Heights covering the remainder. Weiss noted MnDOT should have a number on Lilydale's portion of the project at his next meeting with them.

David Drown addressed financing the TH 13 drainage improvements slated for 2015. The storm sewer fund should have a balance of approximately \$130,000 by 2015 which could be used. He recommended leaving the sanitary sewer fund intact should a costly repair need to be made to the lift station or sewer system. If the city's cost will be over \$100,000 then external borrowing should be discussed. Annual receipts from the storm sewer utility could be used to make payments on the debt.

Victoria Road Project – Ryan Ruzek, Engineer for the City of Mendota Heights, gave the council an overview of the Victoria Road project. Mendota Heights will be reconstructing Victoria Road south of Caren Road in 2014 with final work completed in 2015. Lilydale's portion of Victoria Road from Caren Road to TH 13 can be completed in conjunction with Mendota Heights' work in either 2014 or 2015. Lilydale council members noted their desire to have Lilydale's portion completed in 2014 since the TH 13 project will occur in 2015.

Ruzek said Lilydale's portion is estimated to cost \$112,279 and no payment will be due until the project is substantially completed in the fall of 2014. The project will consist of the following:

1. Remove and replace curb and gutter where needed.
2. Reclamation of existing pavement and remove 5" of reclaimed material.
3. New bituminous surfacing of 2" bituminous wear, over 3" bituminous base, over reclaimed material.
4. Repair storm sewer system catch basin.
5. Restoration in area of curb replacement, driveway restoration (if necessary) and turf restoration.

Mayor Pampusch asked Engineer Ruzek how many homes Mendota Heights will be assessing for Victoria Road. Ruzek said 30 homes will be assessed. Councilmember Lundberg asked what the City of Mendota Heights needs from Lilydale. Ruzek said at this time the minutes of this meeting are all that is needed to show Lilydale's intent to proceed with the project. John Mazzitello, Mendota Heights Public Works Director, will draft a joint powers agreement and the City of Lilydale can adopt it.

Engineer Report – Jeff Weiss gave an overview of the eight meetings he had in January regarding the TH 13 project, including meetings with MnDOT and board members of Riverain, Lexington Riverside, and Colony Townhomes.

At the January 13, 2014 city council meeting Weiss announced a new option for managing storm water, and he has since developed the plan further. In a memo to the city council dated February 5, 2014, Weiss noted three factors were the main contributors in deciding to explore this new option, which ultimately will include less risk for nearby properties. Weiss distributed Figure 2 – Post-Project Conditions TH 13 Storm Sewer illustrating the new plan which would divert approximately nine acres of watershed to Lilydale Project #2 (west of Lexington Ave. and adjacent to Colony Townhomes). The new plan will entail installing new storm sewer on the north side of TH 13, upsizing an existing section of storm sewer, and increasing the capacity of the drop shaft that is part of Lilydale Project #2. The advantages to this plan are: (1) no increased risk to any property in Lilydale and a reduced risk of flooding to Lexington Riverside and the Colony Townhomes, (2) upsizing the drop shaft will improve stormwater management, (3) reduction of the volume of water discharging over the bluff, and (4) minimal impact to Union Pacific Railroad property. Weiss estimates this new plan to cost \$50,000 more than previous options, but he feels the cost will outweigh any risks to properties and the bluff. The increased cost is primarily due to additional excavation, partially or entirely in bedrock.

Weiss provided the council a copy of a memo to Union Pacific Railroad dated February 4, 2014, along with Appendix A Figures 1-5, regarding drainage alterations in Lilydale. Weiss stated no work is planned on Union Pacific property because existing systems can safely convey stormwater flows.

Councilmember Lundberg said the new TH 13 improvements are a dramatic change in the plan and suggested we call a meeting or send out flyers to update residents. Weiss mentioned he could attend the next Lexington Riverside board meeting and explain the new plan. Weiss said he would also email information to Riverain. Mayor Pampusch commended Weiss for finding another alternative.

Councilmember Lundberg suggested since there is a water main on the south side of TH13 why not install fire hydrant there. Councilmember Peterson asked if the city could take advantage of the road being torn up and run a water pipe from the hydrant under Highway 13 towards Lexington Riverside. Weiss said this a perfect time to do that. Weiss said an 8” water pipe could be added towards Lexington Riverside from the hydrant connecting to the Mendota Heights water main pipe.

Motion by Councilmember Peterson, seconded by Councilmember Lundberg to approve the plan to add the new area which consists of nine acres to Lilydale Project #2 which is depicted upon Figure 2 of the plan submitted to us. Passed 4-0.

Ordinance 14-01 – The Minnesota State Legislature enacted a statewide prohibition on the use and sale of coal tar sealant products. The new law provides cities with the authority to enforce the statewide coal tar ban. In order to enforce this prohibition the City of Lilydale must enact an ordinance to establish its enforcement authority under the new state law. Attorney Andy Pratt told the council that the new law took effect January 1, 2014. Engineer Ruzek told the council that the use of these driveway sealers have demonstrated a relationship between stormwater runoff and certain health and environmental concerns. Ruzek also said these products have been used less in the last 5-10 years. **Motion by Councilmember Lundberg, seconded by councilmember Bullard to approve Coal Tar Sealant Ordinance 14-01. Passed 4-0.**

Clerk’s Report – Clerk Schultz presented the council with the January financial reports. **Motion by Councilmember Peterson, seconded by Councilmember Bullard to approve January’s financial reports. Passed 4-0.**

Clerk Schultz provided the council with a list of seven businesses that have submitted business license applications since the January 13, 2014 council meeting. At that meeting the council approved business licenses for applications received subsequent to the February council meeting.

Councilmember Lundberg asked if all the sewer bills were up-to-date and if penalties were assessed. Schultz said there was one payment that hasn’t been deposited yet and there were no penalties.

Mayor’s Report – Mayor Pampusch said Joe Schaefer, owner of Moose Country, approached her with some ideas for Lilydaze this year. Schaefer would like be the major sponsor of the event and spread Lilydaze over a couple of days. Schaefer would like to put up a tent and stage and bring in musical entertainment for Friday and Saturday night. During the daytime the stage and tent could be used for other Lilydaze activities. Schaefer told Mayor Pampusch that he wants to get area business more involved. Councilmember Peterson raised concern with loud music playing outdoor in the evenings and its impact on nearby residents.

Mayor Pampusch said a date has been set for a follow-up meeting with Great River Greening at the end of the month.

Mayor Pampusch stated 100 percent of the City Council has filled out the Cable Commission survey.

There being no further business, the meeting was adjourned at 6:22 p.m.

Respectfully submitted:

Final copy reviewed by:

Mary Schultz, City Clerk

Anita Pampusch, Mayor