

# LILYDALE CITY COUNCIL MEETING

## February 11, 2013

**Present** – Mayor Anita Pampusch; Council Members Robert Bullard, John Diehl, and Marilyn Lundberg; Tom Lehmann, City Criminal Attorney; David Neameyer, Building Official; Mike Aschenbrener, Chief of Police; Mary Schultz, City Clerk; and Lois Owen, Assistant. Council Member Warren Peterson and City Civil Attorney Michael O’Brien were absent.

**Others Present** – Jim Maher, Chairman, City Planning Commission, Jeff Weiss, City Engineer, and Jim McKenzie, writer for the Villager Newspaper.

The City Council meeting was called to order at 4:32 p.m. by Mayor Pampusch. The Pledge of Allegiance was recited.

**Agenda** – There were two additions to the agenda – Highway 13 Project and salary for Clerk Mary Schultz for 2013. **Motion by Councilmember Lundberg, seconded by Councilmember Bullard to approve the agenda as amended. Passed 4 – 0.**

**Minutes - Motion by Councilmember Lundberg, seconded by Councilmember Bullard to approve the January 14, 2013 City Council Minutes. Passed 4 – 0.**

**City Civil & Criminal Attorney Reports** – Attorney Tom Lehmann stated he was copied on a data practices request from the American Civil Liberties Union for information pertaining to conduit bond financing. He stated that the ACLU received a complaint about the City of Lilydale’s participation in conduit financing for the Calvin Christian School, which the complaint said would violate separation clauses in the Constitution between church and state. Mayor Pampusch asked Attorney Lehmann to send a response to the ACLU.

On the criminal side, an incident which was initially reported occurring in Mendota Heights, actually occurred in Lilydale. The incident involved Michael Brodkorb, whose car hit the bridge abutment under Hwy 13. Lehmann stated this case will be going out for charges this week.

**Building Official Report** – David Neameyer stated he had nothing unusual to report. Progress is being made at the Villas apartments; there will be an underground plumbing inspection soon. He reported that Sunfish Cellars received a penalty for doing some remodeling without a building permit.

**Police Report** – Chief Aschenbrener reported that in 2013 he would be working with the Cities of Mendota Heights, Mendota and Lilydale to rewrite the tobacco ordinances to reflect some changes in the marketing of the major tobacco companies’ new ‘electronic’ metal cigarettes that dispense nicotine. These are being marketed primarily to younger people. He will provide more information to the Council on these cigarettes in the coming months as he gathers more information and works on the tobacco ordinances to include these newer products.

**Resolution 13-03 Bank Signatures** - Mayor Pampusch explained that in the event neither she nor Councilmember Peterson are available to sign checks, we need a third signature that could go onto the checks. She has asked Councilmember Bob Bullard if he would be the third person since he is also on the Finance Committee. In order to do this it requires a resolution on the part of the City Council. **Motion by Councilmember Lundberg, seconded by Councilmember Diehl to approve Resolution 13-03 authorizing Bob Bullard’s signature. Passed 4 – 0.** Councilmember Bullard pointed out to Clerk Schultz that his middle initial on the resolution is incorrect and needs to be changed to “L”. In answer to questions from the Council, Clerk Schultz explained Attorney O’Brien said that Resolution 13-03 is for internal City use and is the written policy of the City; the bank forms that are to be signed would show all three signatures without any qualifications. **Motion by Councilmember Diehl, seconded by Councilmember Lundberg to resolve that we adopt the Home Federal standard banking resolution to authorize Councilmember Bullard to be a signatory on the account. Passed 4 – 0.** In response to

Councilmember Bullard's request to change his initial, Clerk Schultz pointed out that no initial had been included on the bank form.

**Repaving Victoria Road** – City Engineer Jeff Weiss informed the Council that Mendota Heights is planning to complete rehabilitation work on Victoria Road in 2014. Mendota Heights has offered that work on the portion of Victoria Road that is owned by the City of Lilydale could be completed at the same time through a joint project. Weiss noted the street is in need of repair and having the work completed at the same time as Mendota Heights should provide cost savings rather than having the work done at a different time.

Weiss laid out the options for the rehabilitation of Lilydale's portion of Victoria Road between Hwy. 13 and the Mendota Heights border, at the top of the hill. These options are to: 1) overlay new pavement and leave the existing curb and gutter; 2) to overlay new pavement and also do a new curb and gutter; 3) complete rehabilitation of the road which would include installation of a new base. Weiss noted the curb and gutter are in good condition and could possibly be left in place, but he will need to consult with an engineer in his firm that specializes in streets to have a better understanding of the situation.

Weiss stated that the project has not been bid yet and at this time Mendota Heights merely wants to know our interest in the joint project. Specifics such as cost and financing would be worked out at a later time. Weiss noted there are likely no grants or cost-share funds available for a city the size of Lilydale.

After discussion, the Council agreed that since Mendota Heights is doing a complete re-build on their part of the road, it would be likely that the City would go along with what they are doing, which is the third option – a complete re-build. This option would have Lilydale on the same timeline for street maintenance as Mendota Heights. **Motion by Councilmember Diehl, seconded by Councilmember Lundberg that we inform the city of Mendota Heights of our interest in participating. Passed 4-0.**

**Hwy. 13 MnDOT Project in Lilydale** – City Engineer Jeff Weiss summarized a meeting he attended with MnDOT representatives on February 7, 2013 to discuss developments regarding the Hwy. 13 Street and Stormwater Project. MnDOT announced that the first phase of the project, which was to take place in Mendota is not feasible, primarily because the proposed location for the stormwater pond was found to be an old dump site. The second phase, scheduled to take place mostly in Lilydale, with some work also to be done in Mendota Heights and Mendota in 2015, may be downsized to a mill and overlay only or cancelled altogether with funds reallocated to another project. Weiss stressed to MnDOT that the two phases are not connected given a natural watershed division between the Mendota and Lilydale city limits.

It was noted that the cities of Lilydale and Mendota Heights have been planning and budgeting for this project based on a commitment from MnDOT made several years ago.

Councilmember Lundberg called MnDOT's announcement a "break of faith," and suggested prompt action be taken with MnDOT. She further suggested that we possibly contact our legislators. Lundberg noted the financial investment Lexington-Riverside Condominiums has made with improvements to their parking facilities in anticipation of the Hwy. 13 project. She stated that there is frequently standing water in front of the Colony Townhomes that was to be corrected with curb and gutter that would be included in the project.

Weiss suggested the City respond proactively by sending a letter to Jon Solberg at MnDOT to get the Lilydale phase of the project back on the schedule even if the timing will be delayed. Weiss noted that MnDOT has already scoped and designed the project. Weiss pointed out that MnDOT will also benefit long-term from the new curb, gutter and storm water pipe which will decrease bluff erosion.

**Motion by Councilmember Diehl, seconded by Councilmember Lundberg to authorize and direct Mayor Pampusch and her staff to prepare and dispatch a letter to MnDOT asking to get the project back on schedule. Passed 4 – 0.**

**Xcel Energy Pole Relocation Project near Big Rivers Regional Trail** – City Engineer Jeff Weiss provided the Council with a memo outlining the impact and options of Xcel Energy’s need to relocate power poles along the railroad tracks near the Big River Regional Trail due to access and maintenance issues. Weiss explained Xcel has proposed to move the overhead lines to the south side of the trail, requiring removal of several trees which would have a negative aesthetic impact. Weiss said Xcel is considering the feasibility of keeping the overhead line on the north side of the trail which would entail removal of trees that are primarily invasive and of low value. A third alternative would be to bury the line on the south side of the trail. No trees would be impacted in this scenario, but due to the incompatibility of the underground equipment and the power used by the lift station pumps, the motors in the pumps would need to be replaced prematurely at the city’s expense. Weiss estimated the cost of replacing the motors to be approximately \$10,000.

Councilmember Bullard expressed support for burying the lines which he felt would be an aesthetic improvement and easier for Xcel to maintain.

**Motion by Councilmember Diehl, seconded by Councilmember Lundberg to tell Xcel our choices for moving the poles. First choice: bury the lines understanding that we would have to replace the motor for the lift station; second choice, keep the poles on the north side of the trail; and third choice, put the poles on the south side. And if Xcel Energy is willing to bury the lines, that we approve the purchase of the replacement motors that are required. Passed 4 – 0.** Weiss pointed out that if Xcel wants to do the work this winter, there would then be no time to purchase the motors, and in that case, option two would be the likely choice. The Council agreed, that if that was the case, to pursue option two.

**The New LMRWMO Plan** - Councilmember Bob Bullard reviewed with the Council that the third generation 10-year plan was completed last year for the WMO. As part of that plan each of the member cities looks at their own storm water plans related to the new WMO plan. He said that about half of the seven cities involved have responded and he wants to be ready to give Lilydale’s response to the new plan. Our plan was done in 2007 and it is a 10-year plan so he said we are right in the middle of it. He asked Weiss to look at the plan and see what may need to be amended to comply with the requirements of the WMO Plan. Weiss said he has been waiting for the MPCA to issue a new MS4 permit so it can be incorporated into the city’s plan. He would also like to include information on the pending TMDL for Interstate Valley Creek. Bullard asked Weiss about the issue of coliform in Ivy Creek and brought up the difference of opinion between Weiss and Mendota Heights Engineer, John Mazzitello on where the bacteria are coming from. Weiss said Mazzitello was going to consult with the MPCA to request more tests to determine the type of bacteria. Weiss will follow up with Mazzitello and the MPCA.

**Sign Ordinance Committee** - Mayor Pampusch stated she would like to form a committee to review the City’s current sign ordinance. She asked Councilmember Bob Bullard to chair the committee and possibly Jim Maher to serve on the group and the third person is another member of the Planning Commission. **Motion by Councilmember Lundberg (second indiscernible) to form an ad hoc committee to look at the sign ordinance. Passed 4 – 0.** It was brought up that Clerk Schultz should also be on the committee.

**City Hall Debt Payoff Options** – Mayor Pampusch reviewed that this was discussed at the last Council meeting but no action was taken since two council members were absent. At today’s meeting, the general consensus among the Council was to not commit to increasing our bond payments to the levels in the proposed payment schedules. The Council posed some questions on refinancing that will be forwarded by Clerk Schultz to David Drown for answers.

### **Clerk’s Report**

-Accounting Items – Clerk Schultz presented a written report on accounting items for fiscal year 2012 that were recommended to be included by Auditor Mark Babcock. These were to create two debt service funds for each TIF note (TIF 2011A and TIF 2012B); to zero out the balance of the Project Fund and to

transfer this balance of \$16,423.53 to the TIF 2011A Debt Service Fund; and to correct two charges for bond interest payments for the TIF 2011 Series A note. **Motion by Councilmember Diehl, seconded by Councilmember Bullard that we approve these transactions. Passed 4 – 0.**

-January Financial Reports – **Motion by Councilmember Diehl, seconded by Councilmember Bullard to approve the January Financial Reports. Passed 4 – 0.**

-2012 Financial Statement – Clerk Schultz presented a draft of the city’s 2012 Financial Statement. She is still working with the auditor on interest allocation and will send a final document to council members by the end of the week. The statement will be published in the Southwest Review.

**Mayor’s Report**

-Lilydaze – Mayor Pampusch said the first brainstorming meeting was held by a committee of volunteers. The committee is made up of approximately equal parts citizens and business people. At the first meeting the committee discussed what the purposes are and what is to be accomplished. Mayor Pampusch wants to try to engage the homeowners’ associations more to increase citizen involvement.

-Clerk Schultz’s Salary Increase – Mayor Pampusch recommended a salary increase of four percent retroactive to January 1, 2013. **Motion by Mayor Pampusch, seconded by Councilmember Diehl to increase Clerk Schultz’s salary by four percent retroactive to January 1, 2013.** There was also a 3<sup>rd</sup>, and 4<sup>th</sup> second to the motion with all thanking Clerk Schultz for doing a marvelous job for the City. **Passed 4 – 0.**

There being no further business the meeting was adjourned at 6:52 p.m.

Respectfully submitted,

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Mary Schultz, City Clerk

Final copy reviewed by:

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Anita Pampusch, Mayor