

**LILYDALE CITY COUNCIL MEETING**  
**June 9, 2014**

**Present:** Mayor Anita Pampusch; Councilmembers Bob Bullard, Warren Peterson and Marilyn Lundberg; Mike O'Brien, City Civil Attorney; David Neameyer, Building Official; Mike Aschenbrener, Mendota Heights Police Department; Mary Schultz, City Clerk and Administrative Assistant KimberLee West.

**Also Present:** Jeff Weiss, Barr Engineering; Jim Maher, Planning Commissioner; Jon Solberg, MnDOT; Sarah Russell, Awaken Community; and Don Campbell, Planning Commissioner.

**Absent:** Tom Lehmann, City Criminal Attorney; Councilmember John Diehl.

The City Council Meeting was called to order at 4:33 p.m. by Mayor Pampusch. The Pledge of Allegiance was recited.

**Agenda - Motion by Councilmember Lundberg, seconded by Councilmember Bullard to approve the agenda with the addition of Sarah Russell a representative from Awaken Community Church and a report from Councilmember Peterson on the Cable Commission. Passed 4-0.**

**Minutes** – Mayor Pampusch noted the first sentence on page 3 was inaccurate and suggested it be removed from the minutes. In the police report section, the word “broke” should be changed to “broken”. **Motion by Councilmember Lundberg, seconded by Councilmember Peterson to approve the May 12, 2014 City Council Minutes as amended. Passed 4-0.**

**City Civil Attorney** – Attorney O'Brien distributed code book pages pertaining to ordinances 503 and 504.

**City Criminal Attorney** – No report.

**Building Official Report** – Building Official David Neameyer said there was light activity and nothing unusual to report. Neameyer added that the Colony Townhomes are in the process of reroofing and repairing their balconies.

**Police Report** – Chief Aschenbrener reported that Best Practices (for alcohol compliance) training took place last week. Aschenbrener said there was a good turn out with about 60 people in attendance. Registration is open for the 2014 Citizens Police Academy. He stated that this is a great program and a good opportunity to see how the police department works. Aschenbrener said there was a good turnout for the Mendota Heights 5K and despite the rain, 325 to 350 participants took place in the event hosted by Sargent Neil Garlock. The police department is in the process of interviewing new officers, following the retirement of two officers. Aschenbrener said new officers will be hired and working by this fall.

**Awaken Community** – Sarah Russell a representative from Awaken Community asked the City Council for permission to plant a vegetable garden near the Joke Joint again this year. Russell said the vegetables will be grown in raised beds instead of hay bales as done in previous years. Councilmember Peterson asked what the vegetables are used for. Russell said that the vegetables will go to a West Saint Paul food shelf. **Motion by Councilmember Lundberg, seconded by Councilmember Bullard to approve the Awaken Community vegetable garden. Passed 4-0.** Mayor Pampusch asked for a continuing resolution for approval of the garden since they request this each year. Councilmember Bullard said Awaken Church has proven themselves and he feels confident in granting a continuing resolution. **Motion by Councilmember Bullard, seconded by Councilmember Lundberg to grant a continuing resolution for Awaken Community to grow a vegetable garden. Passed 4-0.**

**Public Hearing – Storm Water Pollution Prevention Program for MS4** – The regular meeting was recessed at 4:45 p.m. Mayor Pampusch declared the Public Hearing open.

A discussion was held on the Municipal Separate Storm Sewer System mandated by the federal regulations under the Clean Water Act and administered by the Minnesota Pollution Control Agency. Jeff Weiss explained that the primary goal of the MS4 general permit is to improve water quality by reducing pollutants in stormwater discharges. Specifically, the program aims to ensure proper management of stormwater discharge into waters of the state. Weiss outlined the six minimum control measures the city must follow and reviewed the draft report for submission to the MPCA.

Councilmember Lundberg asked what the requirements are for maintenance and upkeep of the rain gardens at Lilydale Senior Living. Weiss said it would be good policy to request to see maintenance records. It was mentioned that properties with a septic system should provide an annual report to the City.

Following Council discussion, Mayor Pampusch asked if residents had any questions. Jim Maher from Stonebridge asked if the restaurant (Buon Giorno/I'Nonni) or Stonebridge Development has any runoff restrictions. Weiss said he was not aware of any restrictions and noted their runoff is discharged to the pond. With no further comment the Public Hearing closed at 5:02 p.m. The City Council meeting reconvened at 5:02 p.m.

**Trunk Hwy. 13 Project** – Jon Solberg from MnDOT thanked Councilmember Lundberg for the phone call last week regarding the mud slide on the Dakota County Trail. Solberg said the area is 80 ft. at the base of the trail, about 6 ft. tall and 20 ft. wide. Solberg said construction to repair the area will start tomorrow and last nine days, possibly requiring the closing of TH13. Mayor Pampusch asked how repairs will be made. Solberg told the council that soil nailing will be done at the top with 10 to 15 foot spikes that are nailed back into the ground and capped off. A mesh cover is put in place and then concrete to help stabilize the soil. Solberg stated because of the mud slide more work has been added to the Trunk Hwy 13 project. Solberg said that the french drain system will be extended about 400 ft. to the west.

Councilmember Bullard asked where the curb and gutter will be placed. Solberg said it will be installed from Riverain to just past the Colony Townhomes for a distance of approximately 1,200-1,300 ft.

Jim Maher said a six inch PVC pipe is sticking out of the ground at the location of the mud slide. Solberg said that is MnDOT's pipe and is one of the several attempts over the years that has been put in place to alleviate some of the subsurface drainage. Solberg added there have been several failed attempts to put in drainage systems. The last time soil nailing was done was during the government shut down in 2012. An outside company did the work and it was not done to MnDOT's satisfaction. Solberg said upon recent inspection, the water was seeping out of the soil and it wasn't coming out of the pipe.

Solberg said the date for letting the Trunk Hwy. 13 project has been moved from November to December, with work to start in the spring. Solberg said the delayed letting gives MnDOT an opportunity to get better bids from contractors. Solberg gave an update on the ADA requirements for the Mary June Mullarky Pedestrian Trail. Solberg said preliminary designs have been put together allowing the use of the shoulder near Lexington Ave. There will be a crossing at Mayfield Heights Road and Lexington Riverside. Solberg said that MnDOT will now cover 50% of the cost of the ADA improvements. Solberg said it is not typical for MnDOT to do this on a limited use permit trail; however, this has been done in a couple other locations in Minnesota.

Councilmember Peterson asked how much this part of the project is going to cost. Solberg said the initial estimate was \$57,000. He has added \$30,000 to MnDOT's budget for half of the ADA improvements. Solberg said a MnDOT ADA coordinator rode his wheelchair up and down Lexington Ave. and noted it was difficult but not impossible. Solberg stated the ADA requirements are about providing access, whether or not it is used.

Solberg said it has come to his attention that easements will be needed from property owners in order to make improvements for the street ramps and crossings. He added that it looks like some parts of the trail are very close if not over the right of way. A couple of the landowners are Stonebridge and Lexington Riverside. Solberg asked if the city would be willing to acquire those temporary easements. He will provide more information at a later date. MnDOT plans to hold an open house on the project, possibly in August.

**Engineer Report** - Jeff Weiss gave an update on the City of Lilydale's portion of the TH13 project. Weiss received a report from Union Pacific (UP) asking Lilydale to make improvements to UP's drainage systems on their property. Weiss said he sent a response back to UP officials saying the memo from the city was primarily informational and the city was not seeking approval. Weiss said he made a site visit to the area where the drop shaft will be located near the regional trail. Weiss has been in contact with MnDOT's maintenance crew to get access to the grates located there. Weiss said he will be out of town for the July city council meeting.

**City Planner Proposal** – Clerk Schultz received proposals from both Stantec and Loucks Associates for planning services. Councilmember Lundberg said that the city has data files with Stantec. Councilmember Bullard asked if the city has a contract with Stantec. Clerk Schultz noted there is no expiration date to the current contract and we are required to give a 30 day notice before we could terminate with Stantec. Attorney O'Brien noted that since we are currently in contract with Stantec, all planning services should be provide by them. Several council members questioned the services offered by Loucks. Councilmember Bullard suggested the city stay with Stantec for now; the rest of the council concurred.

**Cable Commission** – Councilmember Peterson updated the council on the Comcast merger. He said Comcast must divest themselves and plans to do so by creating a spin-off company called Spin-Co. Charter Communications would hold 33% of the shares and Comcast would hold 67%. Peterson said the quality of Comcast is superior and he does not think the merger would be a positive change for subscribers. Councilmember Bullard asked if phone, internet and cable will be offered by Charter. Councilmember Peterson said yes but Comcast subscribers will lose their e-mail addresses. The Northern Dakota County Cable Communications Commission (NDC4) is working on the matter. Councilmember Peterson noted that Senator Al Franken has voiced a concern with the merger.

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

**Mayor's Report** – Mayor Pampusch said planning is underway for Lilydaze which will be held Saturday, September 20<sup>th</sup>. Initial plans with Moose Country have hit a snag and may change. She will keep the Council updated.

Town Square Television filmed the bluff in Lilydale to be used in the production of a video for the bluff project. Mayor Pampusch said the city is continuing to work on funding to get other grants. The education portion of the project will start this summer or early fall and will include the video. Councilmember Lundberg stated Dakota County has been contacted to contribute funds in 2015 to help with the bluff project.

There being no further business, the meeting was adjourned at 6:02 p.m.

Respectfully submitted:

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Mary Schultz, City Clerk

Final copy reviewed by:

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Anita Pampusch, Mayor