

**LILYDALE CITY COUNCIL MEETING
December 9, 2013**

Present - Mayor Anita Pampusch; Council Members Bob Bullard, John Diehl, Marilyn Lundberg, and Warren Peterson; Mike O'Brien, City Civil Attorney; 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; Roxanne Sands and Jim Maher, Planning Commission.

Absent - None

The City Council Meeting was called to order at 4:31 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 5-0.

Minutes - Motion by Councilmember Lundberg, seconded by Councilmember Peterson to approve the November 12, 2013 City Council Minutes with the amendment to the second paragraph on page two which should say "the WMO is meeting at Mendota Heights on December 5th at 9 a.m." Passed 5-0.

Civil Attorney Report – Mike O'Brien distributed new pages for the code book. O'Brien also said he will be gone for the next 4 meetings. Attorney Tom Lehmann will cover for O'Brien in his absence.

Criminal Attorney Report – No report.

Building Official Report – David Neameyer said that building permits have slacked off. Mayor Pampusch asked Neameyer what it means when a permit has expired. Neameyer said after three attempts to contact permit holders with no response and six months have passed the permit expires.

Neameyer received a letter from the Colony Townhouse Association in regard to their balconies. The letter sent to residents and copied to the city, said the balconies are considered a common area; therefore, residents cannot take it upon themselves to hire a contractor independent of the Association. Neameyer said the one person that wanted to have her fallen balcony removed had to cease. Mayor Pampusch asked if the Colony is seeking approval to have the balconies repaired or removed. Neameyer said they are waiting for the ground to freeze and become more stable. The Colony 60-day notice is coming due on the 14th of December. If the Colony has not contacted Neameyer before this date and shown good faith, Neameyer will contact the City Attorney and move forward with due process. Councilmember Lundberg asked what the due process is. Neameyer said another letter would need to be sent. O'Brien added a draft order from the council would be sent asking that statutory requirements are met. Councilmember Peterson asked if the decks could just be removed and not replaced. Neameyer said the decks can be removed and are not required to be there by code.

Police Report – No report.

Highway 13 Proposal to MnDOT – Jeff Weiss of Barr Engineering explained to the council that the Minnesota Department of Transportation (MnDOT) is planning to complete improvements to Truck Highway 13 in 2015. Improvements will include a mill and overlay of the road surface, installation of curb and gutter, and installation of a drainage system. Lilydale and MnDOT have discussed the possibility of doing a joint project to help Lilydale manage stormwater more effectively, and there has been a verbal agreement in place for more than a year. MnDOT has requested a formal proposal from the City describing what items the city would like to be added to the project. Lilydale would pay for portions of the project that are above and beyond the design necessitated by the MnDOT project, which could include:

1. Upsizing some of the new storm sewer pipes proposed by MnDOT.
2. Upsizing existing storm sewers in Lilydale's system.
3. Surface grading of an overflow channel.
4. Installation of additional storm sewer pipes not proposed by MnDOT.
5. Installation of additional storm sewer manholes beyond what is proposed by MnDOT.
6. Installation of water quality improvement features such as SAFL Baffles.

Weiss said the city proposal to MnDOT for the modification or addition of stormwater management features includes four alternatives which are comprised of combinations of five parts.

Part 1 – Upsizing the storm sewer pipe MnDOT is planning to install in front of Lexington-Riverside and Lilywood.

Part 2 – Remove the existing storm sewer pipes in front of Lilywood and replace them with larger diameter pipes.

Part 3 – Increase the capacity of the overflow channel between Riverrain and Riverwood, and extend the overflow channel to the catch basin near TH13.

Part 4 – Install a new storm sewer on the south side of TH13 that connects to the catch basin on the north side of TH13 near Lilywood.

Part 5 – Install additional storm sewer to route flow from the system in Mayfield Heights Rd. to the new MnDOT storm sewer system at TH13.

Councilmember Lundberg stressed the importance of discussing the size of the pipe that will increase the capacity of the overflow channel between Riverrain and Riverwood and extend the overflow channel to the catch basin. Lundberg said the project needs to be explained to the residents of Lilydale; the sooner residents are involved the better. Councilmember Peterson asked how much water flows into the basin now and where would overflow go. Weiss explained that the pond is fed mostly through natural springs; the pipes that are there will be enlarged to allow more stormwater into the basin and from there the water will go over the bluff. Councilmember Peterson said we need to be upfront about the where the water will go, saying its good practice to seek resident input.

Planning Commissioner Jim Maher suggested the city connect its storm sewer with MnDOT's sewer pipe that runs along 35E to the river. Maher said the pipe from Lilydale could go in the area behind the Holiday Store. Maher stated the system has been upgraded and can handle the water.

Councilmember Diehl asked that the cover letter to MnDOT be brief and the proposal start with the cost share assumptions and then the City's proposal to MnDOT. Councilmember Lundberg asked if something could be printed in the next newsletter so residents will understand this project is coming. **Motion by Councilmember Diehl, seconded by Bullard to authorize the proposal to MnDOT. Passed 5-0.**

Summary Ordinance 13-04 (Massage Parlors) – Summary for Lilydale Code Section 503 entitled Regulation and Licensing of Massage Parlors and Businesses. This summary was adopted for publication in lieu of the entire ordinance pursuant to Minnesota law. **Motion by Councilmember Diehl, seconded by Councilmember Lundberg to approve Summary Ordinance 13-04 for publication. Passed 5-0.**

Ordinance 13-06 Adding Lilydale Municipal Code Section 503 Entitled: Tobacco – Attorney O'Brien said he has been in contact with the attorney for Perfect Ash who had some additions to the ordinance. Those suggestions are incorporated into the ordinance. Mayor Pampusch asked if patrons are currently using e-cigarettes in establishments in Lilydale. Chief Aschenbrener said he's sure that they are being used in every building in the city of Lilydale. He noted the purpose of this ordinance is to do two things: 1. To keep people from inhaling smoke that's not their own. 2. To stop introducing e-cigarettes to kids. Anyone under the age of 18 will be prohibited from purchasing them. O'Brien told the council e-cigarettes are not prohibited in establishments; therefore, they are allowed. Aschenbrener added that if the city wants to follow the Minnesota Clean Air Act and not allow the smoking of e-cigarettes in establishments he would not be opposed to doing that. It would however, be more restrictive than Mendota Heights and surrounding areas. Council Members

decided to leave the ordinance as written to follow the same rules as other cities. Councilmember Diehl suggested paragraphs K and L in Section 503.03 be moved to Section 503.06 B as numbers 6 and 7. Diehl said it fits better with what's being addressed in that section. **Motion by Councilmember Diehl, seconded by Councilmember Lundberg to move K and L from section 503.03 to section 503.06 numbers 6 and 7. Passed 5-0. Motion by Councilmember Bullard, seconded by Councilmember Lundberg for approval of Ordinance 13-06. Passed 5-0.**

Resolution 13-17 Establishing a Policy for Tobacco License Violations – Attorney O'Brien presented the council with Resolution 13-17. O'Brien said the penalties for tobacco violations are the same in Ordinance 13-17 as Minnesota Statute. **Motion by Councilmember Peterson, seconded by Councilmember Diehl to establish a policy for license violations. Passed 5-0.**

Resolution 13-18 Approving Wage Increase for KimberLee West – The rate of pay for KimberLee West shall be increased, effective January 1, 2014, to \$14.00 an hour. **Motion by Councilmember Peterson, seconded by Mayor Pampusch to increase KimberLee West's hourly pay. Passed 5-0.**

Resolution 13-19 Approving Salary Increase for Mary Schultz – The salary for City Clerk/Administrator Mary Schultz shall increase \$5,000 annually, effective January 1, 2014. **Motion by Mayor Pampusch, seconded by Councilmember Diehl to increase the annual salary for City Clerk/Administrator Mary Schultz . Passed 5-0.**

Sewer and Storm Water Budget – Clerk Schultz presented the Council with the proposed sewer and storm water budget for 2014. **Motion by Councilmember Diehl, seconded by Councilmember Bullard to accept the 2014 Sewer and Storm Water Budget. Passed 5-0.**

Public Budget Meeting – 2014 Budget and Levy – 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.

Funding of street repairs was discussed. Clerk Schultz provided an update on the Victoria Road project following a recent meeting she had with Ryan Ruzek, engineer for Mendota Heights. (Last February, the Lilydale city council agreed to participate in a joint street project with the city of Mendota Heights for Victoria Road. At that time, the council reviewed the options presented by Jeff Weiss and felt a street re-build was the best option.) Schultz reported that Mendota Heights plans to reconstruct Victoria Road from Marie Ave. to Caren Road in 2014, and the final wear course of pavement will be laid in 2015. Lilydale's portion of Victoria Road (north of Caren Road to TH13) can be completed in conjunction with Mendota Heights in either 2014 or 2015. Depending on the extent of the work (a mill and overlay or total reconstruction with curb and gutter), Lilydale's cost is estimated to be upwards of \$80,000. The 2014 budget includes \$30,000 for the street. Because the timing of the project is uncertain, additional funds were not levied in 2014. Weiss explained that an overlay will last from 7- 10 years, but a total reconstruction will last from 15-20 years. Weiss said it's best to be on the same maintenance schedule as Mendota Heights to save in future costs. Councilmember Lundberg added she is interested in doing the full reconstruction. **Motion by Councilmember Lundberg, seconded by Councilmember Peterson for full road reconstruction with details to follow. Passed 5-0.**

Clerk Schultz handed out a memo outlining the anticipated general fund cash balance for year-end 2013 and the estimated balance available in 2014. Schultz suggested the city consider adopting a reserve fund policy. She will gather examples from other cities and report back to the council.

Clerk Schultz explained that the City will be exempt from paying sales tax in 2014. She said the City spent \$1,300 in sales tax in 2013 and expects the savings in 2014 to be about the same. **Motion by Councilmember Peterson, seconded by Councilmember Bullard to approve the 2014 Budget and Levy as presented. Passed 5-0.** With no further comment the Public Budget Meeting closed at 6:10 p.m. The City Council Meeting reconvened at 6:10 p.m.

Clerk's Report – Clerk Schultz presented the council with the November financial reports. **Motion by Councilmember Bullard, seconded by Councilmember Lundberg to approve the November financial reports. Passed 5-0.** Clerk Schultz presented the council with a list of the 2014 liquor license applications. **Motion by Councilmember Diehl, seconded by Councilmember Lundberg to approve the 2014 liquor licenses subject to the applicants completing criteria such as background checks, required documents, and payment of license fees to the City. Passed 5-0.** Clerk Schultz distributed a report of the bank qualified bonds the city issued in 2013.

Mayor's Report - Mayor Pampusch said Lilydale residents met with Great River Greening in November. Mayor Pampusch said those at the meeting were eager to be involved.

Councilmember Bullard said he attended the Metro Cities annual meeting and voted in favor of all the proposed policies.

Resolution 13-20 Approval of 2014 Final Levy & Budget – The 2014 final levy is \$476,300 and the final budget amount is \$570,809. **Motion by Councilmember Peterson, seconded by Councilmember Bullard to accept the 2014 Final Levy and Budget. Passed 5-0.**

There being no further business, the meeting was adjourned at 6:33 p.m.

Respectfully submitted:

Mary Schultz, City Clerk

Final copy reviewed by:

Anita Pampusch, Mayor