

LILYDALE CITY COUNCIL MEETING
January 10, 2022

Present – Mayor Warren Peterson and Councilmembers John Diehl, Lyle Hanzal and Bill Kleinman; Mary Schultz, City Clerk and Kathy Mutch, administrative assistant (Absent: Councilmember Anita Pampusch)

Also Present – Bridget Nason, city attorney; Police Captain Wayne Wegener; Mike Andrejka, building official; Jennifer Koehler, Barr Engineering and Phil Carlson, Stantec

The city council meeting was called to order at 4:30 p.m.

Agenda – Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the agenda, as presented. Motion carried 4-0.

Public Comments – No comments.

November 29, 2021 City Council Special Meeting Minutes – Moved by Councilmember Kleinman and seconded by Councilmember Diehl to approve the minutes of the November 29, 2021 City Council Special Meeting, as presented. Motion carried 4-0.

December 13, 2021 City Council Meeting Minutes – Moved by Councilmember Hanzal and seconded by Councilmember Diehl to approve the minutes of the December 13, 2021 City Council Meeting, as presented. Motion carried 4-0.

Building Official Report – Mike Andrejka reported five permits were issued and one closed in December 2021.

Police Report – Captain Wegener reported four cases were opened in December for a total of 97 cases and 701 calls to the city of Lilydale in 2021. Two of the December cases were thefts from vehicles in parking lots and two were warrants and arrests of citizens who were not residents of Lilydale.

Engineer Report - Jennifer Koehler provided an informational update on the storm and sanitary sewer work plan for 2022, 2023 and beyond. The storm sewer and stormwater management workplan includes follow up on the MS4 permit. The permit was issued in September 2021 and requires actions to bring the city into compliance. Revisions to ordinances covering stormwater management and illicit discharge began in 2021 and need to be finalized and adopted by September 2022. Bluff runoff management planning to safely take runoff down the bluff includes site visits, guidance and coordination between properties. The sanitary sewer workplan includes continued monitoring of Metropolitan Council Environmental Services (MCES) flows to check improvements and the lift station replacement project in spring 2022.

The cleaning/maintenance cycle for the sanitary and storm sewer was explained. Sanitary cleaning is on a 3-year cycle, where one-half of the system is done for 2 years and then a year is skipped and then the cycle begins again. The lift station inspection is managed for Lilydale by Mendota Heights and is performed 3 to 4 times a year. Video inspection is done every 10 years. The last inspection of the sanitary system was done in 2019 and would next be inspected in 2029.

Koehler clarified that the estimates to line the dropshaft pipe were more expensive than anticipated. Therefore, the decision was made to monitor the condition of the pipe over the next few years. Given that the city will want to monitor the drop shaft in the next few years, Barr will not be coordinating the televising/video inspection of the dropshaft pipe with the sanitary sewer monitoring efforts (in 2029). It is more likely the drop shaft will be inspected in 2023 or 2024.

As a follow up to the discussion in December, private well water usage data was requested from Lexington Riverside. Representatives from Lexington Riverside were unable to provide monthly or seasonal use numbers but were able to provide an average daily water usage number of 12,000 gallons per day. This may be a reasonable assumption for non-irrigation months (November-March) but may underestimate the water use during irrigation months. Lexington Riverside has finished the roof top project that redirected roof runoff. Koehler recommended continued monitoring of MCES flows and to look at water usage and sanitary flow data over the winter 2022-2023, after the lift station project is completed and evaluate the impact of these projects on sanitary sewer inflow and infiltration.

Attorney Report – No report.

Continuation of Consideration of an Application for Concept Plan Approval – Mayor Peterson asked City Planner Phil Carlson if he wanted to make any comments and acknowledged the extensive report he had submitted. Carlson stated the development plan and concept submitted tonight are virtually identical to what has been seen previously in informal and formal meetings. The plan consists of a 126 unit apartment building and 9 townhomes. The Planning Commission formally heard the request by Bigos Management, the applicant, on November 9 and recommended unanimously to approve the concept plan. The City Council held a public hearing on November 29, continued discussion at its December 13 city council meeting, and discussion continued to tonight’s city council meeting. The report goes through a series of points for the council to consider that lays out the rationale from the context of the site, what the specific project does and why it should be approved. Based on the most recent submissions (dated December 20, 2021) from ESG Architects and Kimley-Horn Engineers, with the conditions and findings of fact, two resolutions were presented for consideration: the council’s interpretation of intensity and approval of a Planned Unit Development (PUD).

Councilmember Diehl asked to comment on an issue raised at the public hearing in November and apologized for not being at the December meeting. Diehl disclosed he was surprised when a person argued the council could not adopt a PUD ordinance that would have a height feature greater than 50 feet. The witness was reading an underlying zoning ordinance to also control the PUD ordinance and that has never been the council’s view. Resolution 2022-01 goes through the analysis of construing two ordinances together. Upon advice of counsel, it is within the council’s responsibility to construe the two ordinances to a PUD ordinance if there is a substantial public benefit in a project. The PUD ordinance is not bound by the 50 feet height limit of the zoning ordinance.

Resolution 2022-01 Regarding Interpretation of the Term Intensity in Section 904.07 of the Lilydale Zoning Ordinance Dealing with Planned Unit Developments – Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the Resolution Regarding Interpretation of the Term Intensity in Section 904.07 of the Lilydale Zoning Ordinance Dealing with Planned Unit Developments. Motion carried 4-0.

Resolution 2022-02 Approving Application for PUD Concept Plan Approval for the Property Located at 797-871 Sibley Memorial Hwy. - Mayor Peterson suggested a change to item 4(c) on page 3 “The plan is more creative and will provide a better living and working environment (delete “or shopping”)...”.

Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the Resolution Approving Application for PUD Concept Plan Approval for the Property Located at 797-891 Sibley Memorial Highway, with the proposed editorial change. Motion carried 4-0.

Resolution 2022-03 Approving Annual Designations and Appointments – Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the Resolution Approving Annual Designations and Appointments. Motion carried 4-0.

Liability Coverage Waiver – Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve a motion not to waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Motion carried 4-0.

Clerk's Report – Mary Schultz reported the December deposits include liquor and tobacco license fees, a variety of permits, and the second half tax receipts. Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the December 2021 financial reports. Motion carried 4-0.

Mayor's Report – No report.

Adjournment – Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to adjourn. Motion carried 4-0. The meeting adjourned at 5:06 p.m.

Respectfully submitted:

Final copy reviewed by:

Mary Schultz, City Clerk

Warren Peterson, Mayor

Date