

LILYDALE CITY COUNCIL MEETING
January 14, 2019

Present - Mayor Warren Peterson; Council Members John Diehl, Lyle Hanzal, William Kleinman, Anita Pampusch; Mary Schultz, City Clerk and Kathy Mutch, administrative assistant

Also Present – Police Captain Wayne Wegener; Mike Andrejka, Building Inspector; Bridget McCauley Nason of LeVander, Gillen & Miller P.A.; Roxanne Sands, Planning Commission; Ginger Simek, Lilydale NDC4 community representative; Jodie Miller, Northern Dakota County Cable Communications Commission (“NDC4”) Executive Director; Brian T. Grogan, Moss & Barnett/NDC4 legal counsel and Karly Werner, Comcast.

Oath of Office –Bridget McCauley Nason administered the oath of office to Councilmembers John Diehl, Anita Pampusch, Lyle Hanzal and to Mayor Warren Peterson.

The city council meeting was called to order at 4:30 p.m. by Mayor Warren Peterson. The Pledge of Allegiance was recited.

Agenda – **Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the agenda. Motion carried 5-0.**

Public Comments – None.

City Council Minutes - **Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve the December 10, 2018 City Council Minutes. Motion carried 5-0.**

Civil Attorney Report – Bridget Nason, attorney, said she had no report tonight; however, she would be attending meetings through the end of April during Mike O’Brien’s absence.

Building Official Report – Mike Andrejka reported two permits were issued and eight closed during the month of November.

Police Report – Captain Wegener had no report.

Cable Television Franchise Renewal – Jodie Miller, Northern Dakota County Cable Communications Commission (“NDC4”) Executive Director, explained the City Council was being asked tonight to consider whether to grant renewal of Comcast’s cable franchise or to issue a preliminary assessment that the franchise should not be renewed. The seven member cities in Dakota County would be asked to consider and act upon NDC4’s recommendation concerning the franchise renewal.

Brian Grogan provided background on the agreement between Comcast and NDC4. In April 2000 a 15-year term cable franchise was granted; renewed summer 2012 and expired April 2015. Multiple extensions have been given to Comcast’s franchise from April 2015 through March 31, 2019. The

commission conducted a needs assessment in 2013-14 and identified cable-related needs and interests of its member cities and the commission.

Grogan reported through ‘informal’ renewal negotiations the commission and Comcast have been unable to reach agreement on several key issues. In February 2018 the commission directed its staff to begin preparing ‘formal’ renewal documents required under the Cable Act. Comcast submitted a formal renewal proposal in response to the commission’s Needs Report. The commission staff reviewed Comcast’s formal proposal and determined a number of areas where it fails to meet the future cable-related community needs and interests.

Karly Werner, Comcast representative, provided the City Council with an overview of Comcast’s Formal Renewal Proposal and Comcast’s presence in Minnesota and in the Twin Cities.

Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve the Preliminary Assessment that the Comcast Formal Proposal for Franchise Renewal be Denied. Motion carried 5-0.

Annual Designations and Appointments– Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve Resolution No. 19-2, Resolution to Make Annual Designations and Appointments. Motion carried 5-0.

2019 Business Licenses – The applicants have completed background checks, submitted required documents and paid a license fee. Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the 2019 Business License list, as presented. Motion carried 5-0.

About six businesses remain who have not filed for a 2019 business license.

2019 Liability Coverage Waiver – Each year cities are required to decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased through the League of MN Cities Insurance Trust.

Moved by Councilmember Pampusch and seconded by Councilmember Diehl not to waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Motion carried 5-0.

Credit Card Use Policy – City Council reviewed and discussed a draft credit card policy. Who would have access to the credit card and the purchase limit (\$500) were discussed. Paperwork for the credit card has not been completed.

Moved by Councilmember Pampusch and seconded by Councilmember Hanzal to approve the Credit Card Use Policy, as amended. The amendment replaces “employee” with “person” and deletes “intentionally”. The amended paragraph reads “No person will use a city credit card for personal purchases.” Motion carried 5-0.

Clerk’s Report – Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the December financial reports. Motion carried 5-0.

Minnesota Clerks and Finance Officers Conference – City Administrator Schultz requested permission to attend the Minnesota Clerks and Finance Officers Association Annual Conference in St. Cloud, Minnesota in March 2019 at a cost of approximately \$625. **Moved by Councilmember Diehl and seconded by Councilmember Hanzal to allow the city administrator to attend the Minnesota Clerks and Finance Officers conference, March 19-21, 2019.**

Second Impeller – City Administrator Schultz reported the second lift station pump (the one without the new impeller) needed to again be unclogged in December. The new impeller on pump one is working as intended, without clogging. When the pump is plugged an alarm goes off and Mendota Heights public works employee Rich Burrows is notified. He in turn arranges for a contractor to service the pumps at approximately \$500 per visit. **Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve the purchase and installation of a second impeller. Motion carried 5-0.**

Closed Meeting - **Moved by Councilmember Diehl and seconded by Councilmember Kleinman to close the meeting at 6:05 p.m. pursuant to MN Statutes Section 13D.05, Subd. 3(a) for employee performance evaluations.**

Open Meeting – Mayor Peterson reopened the meeting at 6:40 p.m. He reported performance evaluations were discussed and wages and benefits for the city administrator and the administrative assistant were determined in closed session.

Moved by Councilmember Diehl and seconded by Councilmember Pampusch to approve an annual salary of \$72,000 for Mary Schultz and an hourly rate of \$20 for Kathy Mutch, both effective January 1, 2019. Motion carried 5-0.

Adjournment – **Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to adjourn the meeting.** There being no further business, the meeting adjourned at 6:45 p.m.

Respectfully submitted:

Final copy reviewed by:

Mary Schultz, City Clerk

Warren Peterson, Mayor

Date