

LILYDALE CITY COUNCIL MEETING
April 12, 2021

Present – Mayor Warren Peterson and Councilmembers John Diehl, Lyle Hanzal, Bill Kleinman and Anita Pampusch; Mary Schultz, City Clerk

Also Present – Bridget Nason, city attorney; Police Captain Wayne Wegener, Mendota Heights Police Department; Bryan Oakley, Barr Engineering and Jim Langseth, Barr Engineering; Phil Carlson, Stantec

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

Agenda – Clerk Schultz stated Councilmember Diehl called and is on his way to the meeting. He asked that the topic Local Government Aid for Small Cities be added to the agenda. **Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to approve the agenda as amended. Motion carried 4-0.**

Public Comments – No comments.

March 8, 2021 City Council and Planning Commission Special Meeting Minutes –Moved by Councilmember Pampusch and seconded by Councilmember Kleinman to approve the minutes of the March 8, 2021 special meeting. Motion carried 4-0.

March 8, 2021 City Council Meeting Minutes –Moved by Councilmember Kleinman and seconded by Councilmember Hanzal to approve the minutes of the March 8, 2021 city council meeting. Motion carried 4-0.

Building Office Report – Building report showed four permits were issued and three closed in March. Councilmember Hanzal noted work started on the Lexington Riverside roof about a month ago and he questioned if a permit has been issued. Clerk Schultz will look into it.

Councilmember Diehl arrived at 4:40 p.m.

Police Report – Captain Wegener stated that due to the events that have taken place in the past 24-30 hours Mendota Heights has enacted a curfew for tonight from 7pm-6am. There are county-wide curfews in Hennepin, Ramsey and Anoka counties. It is a possible that Dakota County will be added. Additional personnel will be staffed for the next three days. Notice of the curfew will be posted on the city’s social media sites.

Attorney Nason stated she contacted the Mendota Heights police department this afternoon and found out that there would be a citywide curfew there, so she prepared an emergency declaration in order for Lilydale impose a one day curfew for tonight. It can be extended for up to three days. Mayor Peterson may declare an emergency pursuant to state statute without declaring an emergency meeting. If the council wants to extend the curfew after three days action would need to be taken by the city council. If Dakota County is included in the Governor’s executive order that has already been announced for Hennepin, Ramsey and Anoka counties then Lilydale would not need to pass an emergency declaration.

Engineer Reports

General Engineering - Jim Langseth reported he has been in contact with MnDOT (Minnesota Department of Transportation) regarding the rock fall blocking the Big Rivers Regional Trail in Lilydale. MnDOT plans to have a drone survey done of the conditions of the bluffs in the next few weeks. Langseth sent photos of the condition of the bluffs in 1992, 2009 and 2021 along with a 1992 report to assist MnDOT in trying to understand how often and how big rock falls have been.

Langseth reviewed his report to the city council dated April 12, 2021 providing an update on four items.

- 1. MS4 Application** - The MS4 application was sent to the MPCA on March 31 (not May 31 as listed in the report.) Supporting documentation used to calculate the waste load allocation was submitted on April 5. The MS4 permit calls for the city to have plans, maps, checklists and updates to ordinances and policies generally within one year of the MPCA approval of the permit. He will provide a list of the needed items to Mary Schultz in the near future.
- 2. Walking Trail Repair** - Barr has prepared a map showing the portions of the Mary June Mullarky Trail in need of repair. There is a detached flared end section on the culvert by the Lexington Riverside decorative pond that needs to be reset and this work should be coordinated with the trail repair, therefore it has been added to the scope of work. Other bituminous work in need of repair includes a major crack in the city hall parking lot and repair of the catch basin in the corner of the parking lot. Repair of the westerly-most segment of the trail is optional. Langseth estimates quotes to be around \$50,000-\$60,000. Jen Koehler of Barr is leading the work and plans to be at the May city council meeting to discuss bids received and contractor selection.
- 3. Stormwater Project No. 2 Drop Structure** – Plans for lining the drop pipe are underway. Upon recent inspection of the manhole groundwater was found to be flowing into the manhole. Langseth said they will need to come up with a plan to stop the groundwater from coming in during construction. He estimates installation of the lining will take about one week.
- 4. Bluff Storm Water Outfall Management** – Lilydale has corrected the two public stormwater systems that formerly outlet at the top of the bluff. He noted there are several private stormwater outlets that can, over time, cause enough erosion to undercut the bluffs and lead to more rock falls or recession of the bluff line. In addition there are numerous roof drain downspouts and sump pump outlets at the top of the bluff. He recommends the city identify areas that need to be addressed and work with property owners to correct the situations. Langseth suggested the city may want to consider an extended period of time be allowed for property owners to make corrections. Mayor Peterson said an ordinance is needed. Langseth replied that we have a policy but to be enforceable we need an ordinance. He will work on drafting an ordinance.

Lift Station - Bryan Oakley updated the council on the lift station design process. Permit level drawings which are representative of 90 percent of completion of the design will be sent to all regulatory agencies. All agencies have reviewed and commented on earlier versions of the plans. No concerns are expected. Met Council Environmental Services is drafting a meter vault agreement that is expected this month. A sewer extension permit will be need from the MPCA (Minnesota Pollution Control Agency). Oakley doesn't think obtaining a permit will be a concern since we are reducing the amount of wastewater to the Met Council collection system. Lilydale infrastructure will be moving out from under the Xcel power line. Very little construction will be within the Xcel Energy transmission easement. U.S. Fish and Wildlife will need to be consulted regarding long-eared northern bats and rusty-patched bumble bees.

Oakley stated the most important issue remaining on the project is securing easements. Four easements will be need by two different entities. He is not sure how long it will take to obtain the easements.

Moved by Councilmember Diehl and seconded by Councilmember Hanzal to Authorize Barr to coordinate with U.S. Fish and Wildlife Service regarding rusty-patched bumble bee requirements. Motion carried 5-0.

Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to authorize Barr to prepare easement documents and the city attorney to obtain easements. Motion carried. 5-0.

Moved by Councilmember Kleinman and seconded by Councilmember Hanzal to authorize Barr to prepare permit applications and submit permit-level plans and specifications to appropriate agencies. Motion carried 5-0.

Moved by Mayor Peterson and seconded by Councilmember Pampusch to authorize advertisements for bids to be opened June 8, 2021. Motion carried 5-0.

Attorney's Report – Attorney Nason announced that Governor Walz enacted Executive Order 21-18 imposing a one day curfew for tonight from 7pm-6am which includes Dakota County.

Tax Increment Financing (TIF) Proposal – Mayor Peterson reported that Opus has submitted a proposal to modify their TIF subsidy request by capping the tax increment reimbursements (90% of available increment) at a maximum of 18 years of TIF collection, or \$3,954,718, whichever occurs first. Opus is looking for feedback on this proposed modification to their request.

Motion by Mayor Peterson and seconded by Councilmember Pampusch to authorize Shannon Sweeney to prepare tax increment financing documents necessary to implement a tax increment financing plan consistent with an 18-year TIF term with a maximum \$3,954,718, whichever occurs first. Motion carried: Ayes – 3 (Kleinman, Pampusch, Peterson) Nays – 2 (Diehl, Hanzal).

Purchase of New Digital Voice Recorder – Clerk Schultz provided a written request for approval to purchase a new digital recorder (Olympus DS-9000 for \$499.00) to replace the current recorder. **Moved by Councilmember Diehl and seconded by Councilmember Pampusch to approve the acquisition. Motion carried 5-0.**

Clerk's Report – Clerk Schultz presented the financial reports for March. **Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve the March 2021 financial reports as presented. Motion carried 5-0.**

Local Government Aid for Small Cities – Councilmember Diehl apprised the council of current legislation that would provide a formula for some state aid for small cities such as Lilydale who do not participate in payments related to gas taxes, fiscal disparities and LGA (local government aid). He suggested the city go on record supporting this legislation and ask our representative to support it as well. **Moved by Councilmember Diehl and seconded by Councilmember Kleinman for the city council to go on record stating support of this bill. Motion carried 5-0.**

Mayor's Report – The city received a check for franchise fees in the amount of \$6,963. Mayor Peterson reminded the council that last year we discussed using these funds for a video about Lilydale history. Councilmember Diehl noted the funds were not earmarked for it in the budget. **Moved by Councilmember Diehl and seconded by Councilmember Kleinman to ask the administrator to prepare a plan outlining the work and have a budget. The council could then hear that report and then amend our budget to deal with it. Motion carried 5-0.**

Adjournment – **Moved by Councilmember Diehl and seconded by Councilmember Hanzal to adjourn. Motion carried 5-0.** The meeting adjourned at 5:50 p.m.

Respectfully submitted:

Final copy reviewed by:

Mary Schultz, City Clerk

Warren Peterson, Mayor

Date