

LILYDALE CITY COUNCIL MEETING
June 12, 2023

Present: Mayor John Diehl and Councilmembers Deborah Cornell, Lyle Hanzal and Mary Kleinberg; Mary Schultz, City Clerk and Kathy Mutch, administrative assistant (Absent: Councilmember Bill Kleinman)

Also Present: Bridget Nason, attorney; Police Captain Wayne Wegener; and Julie Seykora

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

Public Comments: None

May 8, 2023 City Council Meeting Minutes – The third paragraph under Engineer Report was reworded from “agenda item to share” to “agenda item related to engineering matters”. The final paragraph under Xcel Energy Meter Replacement was changed to “Ms. Sverland will send her *“further responses”* to the questions”. **Moved by Mayor Diehl and seconded by Councilmember Cornell to approve the minutes of the May 8, 2023 City Council Meeting, as corrected. Motion carried 4-0.**

Police Report –Captain Wegener reported there were 61 incident calls with nine cases opened, all theft related. Wegener informed the council that Sgt. Peyton Fleming has resigned and accepted a position in Texas. Sgt. Fleming has been with the department for 15-17 years. A vacancy is posted and interviews will begin in July. The department typically promotes from within for higher ranked positions.

Two of the three new officers are on their own with the third officer expected to be on his own in the next few weeks.

Captain Wegener has reached out to Union Pacific Railroad to schedule a tabletop presentation on emergency management training and is waiting for a response. A second training on how to handle natural disasters such as weather is being considered.

Follow-up from Previous Meeting – Councilmember Cornell asked if the city has collected documents and paperwork from Mr. Andrejka discussed at the last council meeting. City Administrator Schultz acknowledged a flash drive with all files has been received from Mr. Andrejka.

Mayor Diehl questioned if the response received from Ms. Sverland of Xcel Energy would be viewed by her as a final report. Mayor Diehl noted her email was not responsive to the specific questions asked by council members. Councilmember Hanzal agreed Ms. Sverland’s answers were not as to the point as the council members requested.

Attorney Report – Attorney Nason reported: a) **Legislative Update** – There are a lot of changes as the session ends. Beginning August 1 possession and use of marijuana are no longer illegal in Minnesota. Sacred settlement (micro housing) by religious institutions may impact building codes. Nason will learn details and bring back information from the League of Minnesota Cities conference later this month. She will also work with the City Administrator about any changes affecting local cities.

b) **Code Update** – Attorney Nason brought updated code binders for the Mayor and councilmembers containing the chapters with all of the changes the council talked through. A meeting with Phil Carlson on Chapter 9 has not yet occurred. If Chapter 9 is not completed by August the council will need to adopt a MRCCA (Mississippi River Corridor Critical Area) ordinance, a stand-alone section on land use planning

and zoning regulations. Chapter 8 has not been included in the binder as some items in Chapter 7 need to be moved to Chapter 8.

Approval of Ordinances to Repeal, Replace and Renumber Chapters 1-4 of the City Code – Attorney Nason proposed the council consider adoption of Chapters 1-4. Between now and the July meeting a special meeting could be scheduled to review the remaining chapters, 5-11, with the exception of the fee schedule.

Mayor Diehl thanked Ms. Nason for preparing the chapters and getting code binders to the council. Diehl stated while he welcomed comments or questions the council has not had adequate time to go through the chapters and suggested deferring action.

Moved by Mayor Diehl and seconded by Councilmember Hanzal to defer action on Approval of Ordinances to Repeal, Replace and Renumber Chapters 1-4 of the City Code until Chapters 1-4 can be looked at with the other chapters and continue agenda items 7 and 8 until the regular meeting in July. Motion carried 4-0.

Ms. Nason will work with the City Administrator to coordinate a special meeting, allowing council members time to look through the code binders.

Resolution 2023-07, Declaring Surplus Property and Authorizing its Disposal – City Administrator Schultz explained the city has stored in the basement equipment and property that is no longer needed, will not be used and some has never been used. These items could be either sold, donated, recycled or disposed of.

Moved by Councilmember Hanzal and second by Councilmember Kleinberg to approve Resolution 2023-07 Declaring Surplus Property and Authorizing its Disposal. Motion carried 4-0.

Use of City Hall by Outside Groups – City Administrator Schultz explained the city does not have a written policy to address the use of city hall by outside groups. The practice has been to allow Lilydale homeowners' associations (HOA's) to use the council chambers for its meetings. There has been no charge if the meeting is held during regular business hours (9 am-4:30 pm). An after-hours fee of \$25 to open/close is charged to cover staff time and use has been limited to Monday through Friday. The League of Minnesota Cities recommends cities have in place a written policy and agreement outlining the responsibilities of each party.

Ms. Schultz explained a request to use council chambers for a social event was received. If the council wishes to consider city hall use by outside groups, a number of items needed to be considered. A broad range of issues were discussed including what space would be available, what days and hours and a fee charge for use. The council agreed alcoholic beverages would not be allowed. Liability insurance, security/damage deposit, and whether city staff would stay on the premises were also discussed.

Ms. Schultz noted Mendota Heights has a room/facility rental policy which limits its use to non-commercial, meetings only, residents only and no social events.

Councilmember Cornell asked what space is available for use and Ms. Schultz stated chambers, the kitchen and audio visual equipment have been used. Cornell expressed concern about the strain on city staff for after-hour usage. Councilmember Kleinberg agreed the space should be available for use by Lilydale citizens and the rental fee should cover the city's costs.

Mayor Diehl summarized the discussion. Councilmembers agreed there is use of the city hall facility and a policy governing its use should be adopted. The policy may or may not expand the use.

Moved by Councilmember Hanzal and seconded by Councilmember Cornell to authorize staff to prepare a draft policy on the use of city hall for consideration. Motion carried 4-0.

Committee on the History of Lilydale – Mayor Diehl stated in addition to circulating proposed committees he asked for and received comments on each committee.

The History Committee was previously approved by the council. It does not have people appointed to it although Mayor Diehl intends to appoint Councilmember Kleinman as chair. City Administrator Schultz and Councilmember Kleinman are aware of individuals who have expressed interest and names will be brought to the council for approval.

The particulars of the proposed committees include how often would the committee meet, how detailed should the minutes be and who records the minutes. Councilmember Hanzal expressed concern on the clerk/administrator's responsibility with the new committees and advocated someone on the committee could assume that responsibility of recording and maintaining the minutes.

Moved by Mayor Diehl and seconded by Councilmember Kleinberg to approve the framework of the History of Lilydale Committee and include under Operations “The chair can appoint a committee member to record and maintain minutes”. Motion carried 4-0.

Business Council – Mayor Diehl withdrew discussion on the business council and noted councilmembers should not be concerned with this committee at this time.

Homeowners' Association Committee – The city is populated by apartments and multi-unit buildings with HOAs and presents an opportunity to quickly and effectively communicate regulatory issues or concerns such as the bluff and surface water management. Mayor Diehl views this committee as a forum for HOAs to share with some structure. Councilmember Hanzal concerned with adding additional meetings to a HOA president suggested appointing someone from a HOA board. Councilmember Kleinberg offered an option to have the HOA board appoint an interested party not necessarily an HOA board member. Councilmember Cornell views this unique arrangement as “We are all in this together feeling”. Mayor Diehl will bring a draft to the council with the commercial/business associations included.

Clerk's Report – The May report includes a deposit of \$17,414.03 from Monsanto class action settlement. The funds have been deposited into the city's account. In speaking with other cities and to Joe Barten at the Lower Mississippi River Watershed Management Organization, no one has decided on what they are going to do with the funds. Most cities received around \$17,000. Disbursements included a payment to WW Goetsch for cleaning out the lift station and a final payment of \$22,319 to A to Z Home Inspection.

Moved by Councilmember Cornell and seconded by Councilmember Kleinberg to approve the May 2023 financial reports, as presented. Motion carried 4-0.

Permits - Three permits were issued and six closed in May 2023.

Juneteenth Holiday –Governor Walz signed into law Juneteenth (June 19) as an official state holiday beginning this year. Lilydale city office will be closed on Monday, June 19.

Mayor's Report - Mayor Diehl has been in contact with Carolyn Francis' representative and informed him of the city council's approval of the donation of her Lilydale painting. The art dealer has offered to deliver the painting, which is quite large at 36 x 48 inches, and proposed bringing 20 or more art pieces for an

exhibit. Mayor Diehl has spoken with Maureen Gruntner at Pool & Yacht about hosting an exhibit. Another possibility might be the county historical society.

Adjournment – The meeting adjourned at 6:50 p.m.

Respectfully submitted:

Mary Schultz, City Clerk