

**LILYDALE CITY COUNCIL MEETING**  
**July 10, 2023**

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

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

**Agenda:** Mayor Diehl added to the agenda an update from Scott Qualle from MNSPECT to follow the Attorney Report. **Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the agenda, as amended. Motion carried 4-0.**

**Public Comments:** None

**June 12, 2023 City Council Meeting Minutes** – Mayor Diehl suggested revising the Legislative Update under the Attorney Report to read: Now that the session is over we see what was enacted, and there are a lot of changes. For example, beginning August 1 possession and use of marijuana are no longer illegal in Minnesota. Similarly, another new law recognizes and protects “sacred settlements” (micro housing) by religious institutions which will impact city land use regulation. **Moved by Mayor Diehl and seconded by Councilmember Hanzal to approve the minutes of the June 12, 2023 City Council Meeting, as amended. Motion carried 4-0.**

**Police Report** –Captain Wegener reported there were 63 incident calls and eight cases opened. Wegener informed the council the emergency management training with Union Pacific is set. City Administrator Schultz confirmed the presentation could be recorded.

**Follow-up from Previous Meeting** – Councilmember Hanzal inquired about the policy for use of city spaces. City Administrator Schultz stated a draft policy should be ready for the August meeting.

**Attorney Report** – Attorney Nason reported: a) **Legislative Update** – Nason is reading through the law summaries on the legislative changes and the impact to cities. She is preparing a written report for her municipal clients and expects to send it out prior to the August meeting as some items are effective August 1.

b) **Code Ordinance Progress** - Attorney Nason has discussed Chapter 4 with Jennifer Koehler, city engineer, and has a meeting scheduled with Phil Carlson, city planner on the zoning ordinance. Her assistant is back and can help with revisions from the last work session. The council should schedule a Planning Commission meeting the week of August 7 prior to the August city council meeting. The zoning ordinance requires the Planning Commission’s review prior to adoption by the council.

**Scott Qualle, MNSPECT** – Mr. Qualle clarified the State currently covers plumbing plan reviews for commercial property. He explained the council could adopt an ordinance to give that authority to MNSPECT which would speed up projects. At this time state plumbing plan reviews have an 8-week delay.

Qualle noted the city has adopted Chapter 13.06, Subpart 2 of the Minnesota state building code as required under Minnesota Rule, but it is not reflected on the state website and should be updated. Mr. Qualle agreed to notify the state. Qualle will check with Ms. Schultz regarding two additional points in Chapter 9 of the city’s ordinances.

**Fee Schedule** - Mr. Qualle informed council members the current fee schedule does not include all state requirements and he proposed drafting a more comprehensive fee schedule and bring back a recommendation for approval. Attorney Nason explained fees could set by resolution or by ordinance.

Remodel at 1101 Sibley Memorial Hwy. - A meeting regarding building plans required for a condo remodel at 1101 Sibley Memorial Hwy. was held with the Lexington-Riverside Homeowners' Association and Mr. Qualle. MNSPECT now has building plans for the building and will be able to assure safety. The same process will be followed for other homeowners' associations in Lilydale.

**Ordinances 2023-02, 2023-03 and 2023-04** – The ordinances incorporate changes made at a recent work session. Nason pointed out the Appendix follows Chapter XI and is an informational item and does not need to be adopted.

**Moved by Mayor Diehl and seconded by Councilmember Hanzal to approve Ordinance No. 2023-02, Repealing and Replacing Lilydale City Code Chapter I, General Provisions; Ordinance No. 2023-03, Repealing and Replacing Lilydale City Code Chapter II, General Administration; and Ordinance No. 2023-04, Partially Replacing Lilydale City Code, Chapter III, Streets, Sidewalks, Parks, Public Property, and Improvements and Creating, Appendix A: Franchise Ordinances, and Moving Existing Part 5 and Part 6 of Chapter III to Appendix A.**

**Moved by Mayor Diehl and seconded by Councilmember Kleinberg to amend Ordinance No. 2023-03, Section 201.01, to move “Vacancies in the office of mayor or council member shall be filled following the process provided in state statute.” from Subd. 3 to the end of 201.01, Subd. 2; and delete “The term of the Mayor shall be two years; the term of Council members shall be four years.” from 201.01, Subd. 3.**

**Original motion, as amended carried 4-0.**

**Resolutions 2023-08, 2023-09 and 2023-10** – Summary publication of Lilydale City Code Regarding, ordinances 2023-02, Chapter I, General Provisions; 2023-03, Chapter II, General Administration; and 2023-04 an Ordinance Partially Repealing and Replacing Lilydale City Code Chapter III requires approval.

**Moved by Councilmember Kleinman and second by Councilmember Hanzal to approve Resolutions 2023-08, 2023-09 and 2023-10, Approving the Publication of a Summary of Ordinance No. 2023-02, an Ordinance Amending, Repealing and Replacing Chapter I, General Provisions; 2023-03, Chapter II, General Administration; and 2023-04 an Ordinance Partially Repealing and Replacing Lilydale City Code Chapter III, Streets, Sidewalks, Parks, Public Property, and Improvements and Creating Appendix A: Franchise Ordinances, and Moving Existing Part 5 and Part 6 of Chapter III to Appendix A., Motion carried 4-0.**

**Approval of Tree Removal** – City Administrator Schultz explained a dead tree located at the northwest corner of the city hall parking lot needs to be removed. The city received quotes from four companies and funds were included in the 2023 budget for this expense.

**Moved by Councilmember Hanzal and seconded by Councilmember Kleinberg to approve the quote for tree removal from Sorenson Tree for \$750. Motion carried 4-0.**

**Clerk's Report** - Deposits in the June report were mainly routine. The disbursements included an interest payment on the sanitary sewer revenue note. The payment to Highland Bank was for the semi-annual TIF interest for Lilydale Senior Living. The TIF fund currently shows a negative balance and will show a positive balance when the tax receipts are received in early July.

A financial report was given to the council showing what has been received and spent through June 30, 2023. A resolution to amend the budget to reflect the salary increases approved in the spring will be prepared.

In September a preliminary budget and tax levy is approved. In December the final tax levy and budget are approved. City Administrator Schultz stated a higher levy could be set for the preliminary recognizing it could be reduced but not raised in December.

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

**Permits** - Seven permits were issued and four closed in June 2023. Two of the permits were issued under A to Z Inspection. At the request of the property owner, MNSPECT completed an inspection on one of the permits issued by A to Z.

A to Z had completed a plan review of the Lilia project, and MNSPECT completed a plan review as well. MNSPECT will invoice on an hourly basis for their review. The city was also invoiced for the Lilia building permit.

**Mayor's Report** - Mayor Diehl referenced the follow-up response from Ms. Sersland at Xcel. He felt her response did not answer questions raised by council members. He asked council members if he should send another memo. Councilmember Kleinberg suggested inviting Ms. Sersland back in a year and to consider it closed for now.

**Committees** – Mayor Diehl proposed amending the HOA Committee document to add the committee charge language as in the history committee “The chair can appoint a committee member to take minutes.” **Moved by Mayor Diehl and seconded by Councilmember Hanzal to approve the committee charge of the Homeowners Association Committee as amended. Motion carried 4-0.**

**Moved by Mayor Diehl and seconded by Councilmember Kleinberg to appoint Councilmember Kleinman as chair of the History Committee and Councilmember Hanzal as chair of the Homeowners' Association Committee. Motion carried 4-0.**

Councilmember Kleinman reported that last month he met with two sisters who used to live in St. Paul/Lilydale. They shared pictures, photo albums and talked about what it was like living there. A letter from Pat Nullany from the University of Minnesota was read. Mr. Nullany is also doing a history project on Lilydale and other cities along the river. Mr. Nullany suggested possibly co-authoring the history with his section focusing heavily on the indigenous in the area.

Mayor Diehl asked Councilmember Kleinman to bring a list of committee members to the August meeting for approval.

League of Minnesota Cities - Councilmember Kleinberg reported her experience attending the League of Minnesota Cities conference and she shared a handout with council members. Kleinberg enjoyed both the networking opportunity and the experience.

New Fire Marshal – Councilmember Hanzal noted that the city has a new fire marshal and the council should invite him to a meeting to introduce himself and give an update on what's happening with the fire department.

**Adjournment – The meeting adjourned at 6:02 p.m.**

Respectfully submitted:

---

Mary Schultz, City Clerk