

LILYDALE CITY COUNCIL MEETING
July 12, 2021

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

Also Present – Bridget Nason, city attorney; Police Captain Wayne Wegener, Mendota Heights Police Department; Jim Langseth and Jennifer Koehler, Barr Engineering; Charlie Peterson, architect, Aulik Companies & Sheril Gilbertstadt, property owner.

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

Agenda – Mayor Peterson added 5.1, consideration of request for variance for a deck and 11.1, a Planning Commission report from John Diehl, liaison for the Planning Commission.

Moved by Councilmember Pampusch and seconded by Councilmember Hanzal to approve the agenda as revised. Motion carried 5-0.

Public Comments – No comments.

Public Hearing for a Bluff Setback Variance – A public hearing was held for consideration of a variance to the bluff setback for a porch and walkway at 1775 Lexington Ave., #10. Charlie Peterson explained this is a change to an existing deck. The owners applied for a variance to allow the improvement of an existing deck on the north side of the townhome by adding an enclosure to create an enclosed porch and adding a new walkway connecting the two existing decks on the exterior of the townhome.

Councilmember Diehl explained the planning commission held a meeting on June 29 to consider plans by property owners Philip and Sheril Gilbertstadt. The planning commission and city planner Phil Carlson have thoroughly reviewed the plans. The request was brought before the council because this deck is located in the Mississippi River Critical Area. Following review of the zoning code and the state criteria for granting variances the planning commission voted and unanimously recommended approval of the requested variance.

Mayor Peterson asked for comments. No public comments were offered on the request.

Moved by Councilmember Diehl and seconded by Councilmember Kleinman to close the public hearing. Motion carried 5-0.

June 14, 2021 City Council Meeting Minutes – Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the minutes of the June 14, 2021 city council meeting, as presented. Motion carried 5-0.

Resolution 2021-6, Adopting Findings of Fact and Approving Variance – Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve Resolution 2021-6 Adopting Findings of Fact and Approving Variance to Required Bluff Setback for Deck and Walkway for Property Located at 1775 Lexington Avenue, #10. Motion carried 5-0.

Building Office Report – Building report showed three permits were issued and seven closed in June.

Police Report – Captain Wegener had no report. Captain was questioned about the number of suspicious activity calls. He explained it is a catchall category and includes calls such as disorderly conduct or noise complaint calls.

Engineer Reports - Jim Langseth announced his retirement effective August 6. He will continue working on an on-demand basis and finish the stormwater ordinance over the next few months. He thanked the council for the opportunity to serve Lilydale beginning in 1990 and then over the past few years. He acknowledged Barr would like to continue as the city's engineer and advocated Jennifer Koehler as the logical person to take over his workload as she has recently been involved in the city's trail project. Barr has the historical files, is the Lower Mississippi River Water Management Organization engineer and knowledgeable about Lilydale's stormwater and sanitary sewer needs.

Langseth reported on his conversation with Ryan Wilson, district manager at Minnesota Department of Transportation regarding the Mississippi River bluffs and managing stormwater, particularly water going over the bluffs. Langseth explained MnDOT owns the bluffs. He suggested the council name a representative to get the dialog started now. An initial meeting with MnDOT could be held in July. He thinks the discussions could result in some type of agreement or policies.

Lift Station – Langseth indicated Barr is finalizing the easement with Lilydale Senior Living. Bridget Nason is finalizing the contract with Met Council and meeting on July 13. Bids have been received but not awarded; awaiting approval of the Met Council contract. The bid is valid for 60 days.

Moved by Councilmember Diehl and seconded by Mayor Peterson to commend Jim Langseth for his years of service to the City of Lilydale and thanked him for his approach, his diligence and his mindfulness in the best interests of the city of Lilydale. He is an advocate and expert in dealing with all agencies. Motion carried 5-0.

City Hall Parking Lot and Trail Improvement Project Update – Jennifer Koehler reported she was notified by MnDOT staff that the Office of the State Archeologist (OSA) and MnDOT will require archeological monitoring. A portion of the pedestrian trail goes through a known Native American burial site and displaced human remains may be present. Monitoring will occur during sod and bituminous removal and could take up to three days. Barr requested quotes from three contractors and received bids from two who had availability during the project timeframe. The 106 Group was the low bidder and recommended for the project. The monitoring contract is for up to 30 hours or 3 days of oversight and assumes no human remains will be found. They will develop a monitoring plan and submit it to MnDOT for approval. Once MnDOT issues a permit construction can begin.

Moved by Councilmember Diehl and seconded by Councilmember Kleinman to authorize execution of a contract with 106 Group for services related to archeological monitoring, with a commence date of July 12, 2021. Motion carried 5-0.

Councilmember Diehl acknowledged his support to continue a relationship with Barr to the end of the year. Mayor Peterson agreed to continue with Barr as engineering consultant.

Attorney Report – Attorney Nason updated the council on her current projects including the lift station easement, pedestrian trail and the archeological review. She is working with Jim Langseth on the stormwater management ordinance and with city administrator Schultz on the solid waste ordinance and fee schedule. Nason noted the city has a year to develop a Mississippi River Corridor Critical Area

ordinance based on the new state rules.

Wastewater Lift Station Project Financing – Shannon Sweeney, municipal advisor, through conversations with the city administrator, provided a preliminary recommendation regarding the structure and sale of bonds to finance the engineering, administrative and construction project costs associated with the lift station project. He recommended financing the project costs through the issuance of a General Obligation Sewer Revenue Note through the Minnesota Rural Water MIDI Loan Program. He provided two schedules for a loan of \$363,000 or a loan of \$463,000, noting principal and interest payments with a 15-year term.

Following discussion the council decided to go forward with the lesser loan amount of \$363,000 and the city administrator was authorized to submit an application.

Resolution 2021-7, Termination of the COVID-19 Pandemic Related Emergency Declaration – By proclamation the city of Lilydale declared a local emergency due to COVID-19 following declaration of a Peacetime State of Emergency by Governor Walz on March 13, 2020. The statewide Declaration of Emergency was terminated on July 1, 2021 and it is appropriate for the city to also terminate its existing local emergency declaration.

Moved by Councilmember Diehl and seconded by Councilmember Pampusch to approve Resolution 2021-7 Approving the Termination of the COVID-19 Pandemic Related Emergency Declaration. Motion carried 5-0.

Planning Commission Update – Councilmember Diehl reported the planning commission met on June 29 and heard from Ben Bruno, 1143 Sibley Memorial Highway, asking for permission to build a swimming pool on his property. Mr. Bruno has been working with Phil Carlson, city planner, for some time, even prior to purchasing the property. Carlson had suggested a Planned Unit Development (PUD) rather than multiple variances. The planning commission voted to recommend approval of the PUD proposal subject to comments from the planner, engineer and planning commission.

A zoning change from an R-1 District to a PUD requires a public hearing. Diehl noted the planning commission was supportive of Mr. Bruno's project and suggested a special meeting to expedite the concept plan process. Councilmember Diehl and Mayor Peterson requested a special meeting be called. The special meeting with a public hearing requires 10 days' notice and was suggested to be held Monday, July 19.

Clerk's Report – Clerk Schultz presented the financial reports for June. Deposits include escrow funds for planning applications from Bruno and Gilberstadt. Any unspent funds will be returned. Disbursements include routine payments, including a large amount to Barr. **Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the June 2021 financial reports as presented. Motion carried 5-0.**

Mayor's Report – Mayor Peterson asked if there has been any thoughts to marking the trail with "no bike" signs. City administrator Schultz noted while some estimates were requested, contractors are indicating they are months out on scheduling. A suggestion was made to check with the contractor JL Theis. Four or five signs painted on the trail was proposed.

Adjournment – **Moved by Councilmember Diehl and seconded by Councilmember Kleinman to adjourn. Motion carried 5-0.** The meeting adjourned at 5:57 p.m.

Respectfully submitted:

Final copy reviewed by:

Mary Schultz, City Clerk

Warren Peterson, Mayor

Date