

**LILYDALE CITY COUNCIL MEETING**  
**August 14, 2023**

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

**Also Present:** Bridget Nason, attorney; Police Captain Wayne Wegener; Fire Marshal Joseph King; Jennifer Koehler, Barr Engineering; and Julie Seykora

**Agenda:** Moved by Councilmember Cornell and seconded by Councilmember Kleinman to approve the agenda, as presented. Motion carried 5-0.

**Public Comments:** None

**June 28, 2023 City Council Special Meeting Minutes** - Moved by Councilmember Hanzal and seconded by Councilmember Cornell to approve the minutes of the July 10, 2023 City Council Special Meeting, as presented. Motion carried 5-0.

**July 10, 2023 City Council Meeting Minutes** - Moved by Councilmember Kleinman and seconded by Councilmember Kleinberg to approve the minutes of the July 10, 2023 City Council Meeting, as presented. Motion carried 5-0.

**July 18, 2023 City Council Special Meeting Minutes** - Moved by Mayor Diehl and seconded by Councilmember Kleinman to approve the minutes of the July 18, 2023 City Council Special Meeting, as presented. Motion carried 5-0.

**July 27, 2023 City Council Special Meeting Minutes** - Moved by Councilmember Kleinman and seconded by Councilmember Hanzal to approve the minutes of the July 27, 2023 City Council Special Meeting, as presented. Motion carried 5-0.

**Police Report** –Captain Wegener reported there were 48 calls and eight cases opened in July. On National Night Out an all-time high of 47 parties were held throughout the cities of Mendota Heights, Mendota and Lilydale. Wegener asked the council for direction on when to hold a second emergency operations exercise. This exercise would be more interactive, “if this”, “then this,” with an emphasis on local response to specific hypothetical public safety issues. By comparison, the first public safety training highlighted a third-party response to an emergency situation. Mayor Diehl suggested due to the added meetings for council members on the ordinance project the training not be scheduled until late fall.

**Follow Up** – Councilmember Kleinman talked about posting “Local Noise Ordinance Enforced” signs due to the increased noise along Highway 13. Captain Wegener pointed out the difficulty with enforcement and how an officer would need to be present and hear the noise to enforce compliance. Attorney Nason was asked to research and City Administrator Schultz to investigate what was required to post a sign on Highway 13.

**Fire Marshal** – New Mendota Heights Fire Marshal Joseph King was introduced. King stated he grew up in St. Paul and worked as a first responder in Eagan for several years. He reported he has been busy with inspections, starting with multi-family buildings and then meeting with businesses to help them be safer. He is looking for a plan of each building, giving the Fire Department needed information prior to showing up for a fire call. King is also a first responder. Mayor Diehl shared with Marshal King the council is finalizing a Homeowners’ Association Committee as a way to communicate with the community and the committee could possibly help Marshal King communicate and work first hand on public and fire safety.

**Engineer Report** – Amendment to the Surface Water Management Plan - Jennifer Koehler reported as part of the ordinance update, the surface water management plan (SWMP) is adopted by reference into the city’s ordinances. Updates were made to the city’s goals and policies in the SWMP to align with the requirements of the Minnesota Pollution Control Agency. The revised plan was sent to the Metropolitan Council, Dakota County, the Lower Mississippi River Watershed Management Organization (LMRWMO) and the Lower Minnesota River Watershed District (LMRWD). The plan was conditionally approved by the LMRWMO and LMRWD with the city addressing their comments in its revisions. No comments were made by Dakota County or Met Council. Koehler recommended the city approve the major plan amendment to the surface water management plan.

**Moved by Councilmember Kleinman and seconded by Councilmember Hanzal to adopt the recommended substituted language dated August 14, 2023 to amend the Surface Water Management Plan. Motion carried 5-0.**

Lilia Construction Update – Koehler has been working with the Lilia site superintendent. Efforts have been focused on getting the apartments built. Lilia is waiting on a permit from Minnesota Department of Transportation (MnDOT) to begin utility work. Site and utility work will pick up once the permit is received.

**Attorney Report** – Attorney Nason reported a public hearing for a moratorium on cannabis businesses should be scheduled though not urgent. She also reported that one of the new state laws that deny cities their historic regulatory authority is the law prohibiting cities from housing land use referred to as “Sacred Settlements”. Sacred Settlement is not an issue for the city noting it does not take effect until 2024.

**Approval of Ordinances Repealing, Replacing, and Renumbering Chapters 4-8 and 10-11 of the City Code - Ordinance No. 2023-05**, Repealing and Replacing Lilydale City Code Chapter VI, Liquor, Beer, and Wine, and Chapter VII, Traffic and Motor Vehicles with Chapter 6, Traffic and Motor Vehicles; **Ordinance No. 2023-06**, Repealing and Replacing Lilydale City Code Chapter V, Municipal Regulations and Licensing, with City Code Chapter 5, Municipal Regulations and Licensing; and **Ordinance No. 2023-07**, Repealing and Replacing Lilydale City Code Chapter X, Collection and Disposal of Solid Waste with Chapter 10, Solid Waste Abatement; **Ordinance No. 2023-08**, Repealing and Replacing Lilydale City Code Chapter VIII, Nuisances and Offenses and Ordinance 1200, Alarms and Alarm Systems, with Chapter 8, Public Safety; **Ordinance No. 2023-09**, Repealing and Replacing Lilydale City Code Chapter IV, Section 406, Related to Illicit Discharges to the Storm Sewer System and adding Part 6, Stormwater and urban Runoff Pollution Control; Part 7, Stormwater Management-General and Part 8, Stormwater Management-Development and Redevelopment; and **Ordinance 2023-10**, Adopting Chapter 7 of the Lilydale City Code, Nuisances and Offenses.

**Moved by Mayor Diehl and seconded by Councilmember Hanzal to approve Ordinances 2023-05, 2023-06, 2023-07, 2023-08, 2023-09 and 2023-10. Motion carried 5-0.**

The ordinances incorporate changes made during the work session held prior to tonight’s meeting.

**Approval of Summary Publication Resolutions Related to Ordinances Repealing and Replacing Chapters 4-8 and 10-11 of the City Code - Resolutions 2023-11**, Approving the Publication of a Summary of Ordinance 2023-05, an Ordinance Repealing and Replacing Lilydale City Code Chapter VI, Liquor, Beer, and Wine, and Chapter VII, Traffic and Motor Vehicles with Chapter 6, Traffic and Motor Vehicles; **Resolution 2023-12**, Approving the Publication of a Summary of Ordinance 2023-06, an Ordinance Repealing and Replacing Lilydale City Code Chapter V, Municipal Regulations and Licensing, with City Code Chapter 5, Municipal Regulations and Licensing; **Resolution 2023-13**, Approving the Publication of

a Summary of Ordinance No. 2023-07, an Ordinance Repealing and Replacing Lilydale City Code Chapter X, Collection and Disposal of Solid Waste with Chapter 10, Solid Waste Abatement; **Resolution 2023-14**, Approving the Publication of a Summary Ordinance 2023-08, an Ordinance Repealing and Replacing Lilydale City Code Chapter VIII, Nuisances and Offenses and Ordinance 1200, Alarms and Alarm Systems, with Chapter 8, Public Safety; **Resolution 2023-15**, Approving the Publication of a Summary of Ordinance 2023-09, an Ordinance Repealing and Replacing Lilydale City Code Chapter IV-Section 406, Related to Illicit Discharges to the Storm Sewer System and Adding Part 7, Stormwater and Urban Runoff Pollution Control; Part 7, Stormwater Management-General and Part 8: Stormwater Management-Development and Redevelopment; and **Resolution 2023-16**, Approving the Publication of a Summary of Ordinance 2023-10, an Ordinance Adopting Chapter 7 of the Lilydale City Code, Nuisances and Offenses.

**Moved by Councilmember Kleinman and seconded by Councilmember Hanzal to approve a summary publication of Lilydale City Code regarding Ordinances 2023-05, 2023-06, 2023-07, 2023-08, 2023-09 and 2023-10. Motion carried 5-0.**

**Resolution 2023-17, Approving Amendments to Adopted 2023 Budget** – Mayor Diehl thanked City Administrator Schultz for bringing forward the amendment in a resolution format acknowledging this was a good practice to amend the formally adopted budget.

**Moved by Councilmember Cornell and seconded by Councilmember Kleinberg to approve Resolution 2023-17, Approving Amendments to Adopted 2023 Budget. Motion carried 5-0.**

**Policy Governing Community Use of City Hall** – Councilmember Cornell asked if the policy which highlights the allowables and restrictions would be given to applicants with the registration form. City Administrator said it could be included. Councilmember Hanzal proposed wording be amended to "the use of tobacco, electronic tobacco, substitute, cannabis, or alcohol is not allowed anywhere on the city hall property." Council members agreed.

**Moved by Councilmember Kleinman and seconded by Councilmember Kleinberg to approve the Community Use of City Hall Policy, as amended. Motion carried 5-0.**

**Appointment of Members to Lilydale History Committee** – Councilmember Kleinman briefly reported on the growing interest in the committee. Mary Schultz was designated as a resource. Members nominated are Dave Byrne, Julie Seykora, Leah Shiely, Julie Lynch, Diane Leyde and Dave Olin. On advice from Councilmember Kleinman, due to an increased awareness of the committee, membership should be increased.

**Moved by Mayor Diehl and seconded by Councilmember Cornell to amend the Lilydale History Committee membership count from five to seven (City Administrator Schultz as a resource). Motion carried 5-0.**

**Moved by Mayor Diehl and seconded by Councilmember Hanzel to approve the persons nominated by Mayor Diehl to the Lilydale History Committee. Motion carried 5-0.**

**Appointment of Members to Homeowners' Association Committee** – A list of names and associations was presented for ratification. Mayor Diehl invited HOA presidents, or someone appointed by them, to serve on the committee. Councilmember Hanzal serves as chair. Councilmember Hanzal will contact committee members to thank them for volunteering and to set up an organizational meeting. There remain two openings and names will be added when assigned. Mayor Diehl clarified this committee is for city business offering a way to work with property owners on legal and regulatory issues that affects them.

**Moved by Mayor Diehl and seconded by Councilmember Hanzal to approve the persons nominated for appointment to the Homeowners' Association Committee. Motion carried 5-0.**

**Clerk's Report** – The financial reports for July were presented. Deposits included tax receipts from January-May 2023, sanitary and stormwater payments, charitable gambling and permits. Disbursements include the second half audit fee, cleaning the lift station pump, and preparation of the TIF report by David Drown.

**Moved by Councilmember Hanzal and seconded by Councilmember Kleinberg to approve the July 2023 financial reports, as presented. Motion carried 5-0.**

**Permits** - Six permits were issued and two closed in July 2023.

**Mayor's Report** - Mayor Diehl expressed his gratitude to city council members for their continued diligence on the ordinance project and acknowledged former Mayor Peterson's initiative.

**Carolyn Francis Artwork Update** - Mayor Diehl continues conversations with Terry Wallace and his intent to donate one of her paintings to Lilydale. Details on how the painting will be delivered are being worked out. Mr. Wallace would also like to bring additional paintings to be sold, though it is unclear on how he would proceed.

**Adjournment** – The meeting adjourned at 5:40 p.m.

Respectfully submitted:

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Mary Schultz, City Clerk