

**LILYDALE CITY COUNCIL MEETING
VIA TELECONFERENCE
September 14, 2020**

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 Wagener, Mendota Heights Police Department; Jim Langseth and Bryan Oakley, Barr Engineering; Jodie Miller, Executive Director, Northern Dakota County Cable Communications Commission (NDC4) and Brian Grogan, Moss & Barnett.

The city council meeting was called to order at 4:30 p.m. by Mayor Peterson. Attendance was taken by roll call due to teleconference.

Agenda – Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the agenda with the addition of a resolution to approval publication of a summary of Ordinance 2020-01 and an update by Councilmember Diehl on a COVID-19 project. Motion carried 4-0.

Public Comments – No comments.

August 10, 2020 City Council Meeting Minutes – Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the minutes of the August 10, 2020 city council meeting. Motion carried 4-0.

Councilmember Pampusch joined the meeting at 4:35 p.m.

Building Official Report – Building report showed ten building permits were issued and five closed in August.

Police Report – Captain Wagener reported an increase in theft from unlocked cars in all jurisdictions served by the Mendota Heights Police Department, including Lilydale.

Engineer Report – Jim Langseth reported on two items. The annual MS4 meeting will be included on the October city council meeting agenda.

Langseth received two utility locate requests; one regarding the Dakota County trail connection and one for a clean up of a cooking oil spill at the Pool & Yacht Club where no utilities were located. He provided both entities with a copy of the sanitary sewer utility map.

Lilydale Road (Water Street in St. Paul) north of the Pool & Yacht has been closed due to erosion of the banks of the Mississippi River. St. Paul is designing a project to restore the riverbank and fix the erosion protection system so a guardrail can be replaced. St. Paul has submitted permit applications to the Minnesota Department of Natural Resources and the US Army Corps of Engineers for this work. The 30-day comment period began September 2.

Langseth acknowledged St. Paul would welcome a favorable comment from Lilydale on the permit application. He suggested a comment by the city could be placed on the DNR permit application. Langseth also looked into if a permit would be needed from Lilydale for work in the floodplain. He does not believe a permit is needed as the volume of fill is less than 1000 cubic yards. Attorney Nason will review and convey to St. Paul if a

permit is needed.

Moved by Councilmember Pampusch and seconded by Councilmember Hanzal to authorize a comment in support on the DNR permit application and state Lilydale would like to see the work completed as soon as possible. Motion carried unanimously by roll call vote.

Bryan Oakley updated the council on the sanitary sewer lift station project. Barr has started the design process for replacement of the sanitary sewer lift station located along the Big River Regional Trail near Lilydale Road. Mary Schultz, city administrator and Barr met with Dakota County on September 10 to discuss how construction will affect the trail use, to learn about issues and concerns Dakota County may have and to consider potential locations for the new lift station and, if needed, trail alignment. Oakley noted a past site survey does not show a utility easement; however, the lift station has been in place since the 1970s. Attorney Nason, Langseth and Mary Schultz will meet to discuss and have a better understanding of the legal rights to the location of the lift station.

Oakley reported the next steps include taking soil borings, a site survey and meetings with regulatory agencies. His September 14 memo to the city council listed a lift station replacement cost estimate of \$749,000 which includes construction and engineering costs. Relocation of the storm sewer was not included in the estimate.

Ordinance 20-01 – Granting a Cable Television Franchise – Jodie Miller introduced Attorney Brian Grogan who provided a summary of the five-year effort and the key terms of the ten-year franchise renewal agreement between Northern Dakota County Cable Communications Commission (NDC4) and Comcast.

Bill Kleinman and Ginger Simek are the city’s representatives to NDC4. NDC4 unanimously approved a resolution recommending renewal of a cable television franchise with Comcast on August 5, 2020 and now recommends approval to its seven member cities. Ordinance 2020-01 renews the granting of a franchise to Comcast of St. Paul to operate and maintain a cable system in the city of Lilydale. All seven member cities will be asked to adopt the 2020 franchise.

Moved by Councilmember Diehl and seconded by Councilmember Pampusch to approve Ordinance 2020-01, Ordinance Granting a Cable Television Franchise to Comcast of St. Paul, Inc. to Operate and Maintain a Cable System in the City of Lilydale, Minnesota. Motion carried unanimously by roll call vote.

Lilydale residents will be notified of the ordinance in the next newsletter and the ordinance can be posted on the city’s website. Ms. Miller noted residents could contact her with cable concerns.

Summary of Ordinance 20-01 – Publication of Ordinance 2020-01 is required. Publication of a summary of the ordinance informs the public of the intent and effect of the ordinance. A complete copy of the ordinance will be posted at Lilydale City Hall.

Moved by Councilmember Pampusch and seconded by Councilmember Hanzal to approve a Summary of Ordinance No. 20-01, Granting a Franchise to Comcast of St. Paul, Inc. Motion carried unanimously by roll call vote.

Resolution 2020-14 - Publication of a Summary of Ordinance 20-01 – Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve a Resolution Approving the Publication of a Summary of Ordinance No. 20-01 Renewing the Cable Television Franchise with Comcast of St. Paul, Inc. Motion carried unanimously by roll call vote.

Resolution 2020-12 - CARES Act Grant County-Municipality Agreement – Dakota County has received a 2020 CARES Act grant for increased election expenses and has proposed to allocate funds to cities to help

defray election expenses through a county-municipality agreement. Lilydale has identified election expenses related to the COVID-19 health pandemic in the amount of \$814.51. These expenses are covered under the 2020 CARES Act grant county-municipality agreement and the City Clerk will sign the agreement or any amendments as necessary to receive the funds for the 2020 elections.

Moved by Councilmember Kleinman and seconded by Councilmember Hanzal to approve Resolution No. 2020-12, Approving 2020 CARES Act Grant County-Municipality Agreement for COVID-19 Related Election Expenses in the amount of \$814.51. Motion carried unanimously by roll call vote.

Resolution No. 2020-13 – Proposed 2021 Budget & Levy – Mayor Peterson led a discussion on the proposed budget and levy. A decrease in revenue was noted with a proposed elimination of some categories of business licenses and elimination of dog licenses. Police services charges are increasing and there is a decrease in fire services charges.

The proposed payable 2021 levy to be certified to Dakota County by September 30 is \$565,424 and the 2021 proposed budget is \$643,794. The final levy is due to the county by December 30, 2020 and may be less but no more than the proposed levy.

Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve Resolution No. 2020-13, Approving Proposed 2021 Budget & Levy. Motion carried unanimously by roll call vote.

Clerk’s Report – Clerk Schultz presented the financial reports for August 2020. Disbursements included election judges pay for the primary and second quarter payment for the recycling coordinator. She indicated a new column has been added to the financial reports concerning CARES Act funds.

Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the August 2020 financial reports as presented. Motion carried unanimously by roll call vote.

CARES Project – Councilmember Diehl updated the council on a possible service to Lilydale residents. He has been in contact with the Minnesota Department of Health on testing for acute illness and antibody related to COVID-19. He will continue to pursue this project. He noted the Minnesota Department of Health was quite interested in supporting this effort.

Mayor’s Report – No report.

Adjournment – Moved by Councilmember Pampusch and seconded by Councilmember Kleinman to adjourn. Approved unanimously by roll call vote. The meeting adjourned at 6:01 p.m.

Respectfully submitted:

Final copy reviewed by:

Mary Schultz, City Clerk

Warren Peterson, Mayor

Date