

**LILYDALE CITY COUNCIL MEETING**  
**October 10, 2022**

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

**Also Present** – Bridget Nason and Aaron Price attorneys; Police Captain Wayne Wegener; Jennifer Koehler, Barr Engineering; and Mike Andrejka, building official.

**Agenda** – **Moved by Councilmember Diehl and seconded by Councilmember Cornell to approve the agenda, as presented. Motion carried 4-0.**

**Public Comments** – None.

**September 12, 2022 City Council Meeting Minutes** – **Moved by Councilmember Kleinman and seconded by Councilmember Diehl to approve the minutes of the September 12, 2022 City Council Meeting. Motion carried 4-0.**

**Building Official Report** – Mike Andrejka issued 2 permits and closed 3 permits in September 2022.

**Police Report** – Captain Wegener reported 85 calls with 10 cases opened in September. In a personnel update Captain Wegener said a new full time officer begins October 11, bringing the staff total to one less than capacity.

**Engineer Report - Joint Powers Agreement** - Jennifer Koehler explained the municipal stormwater general permit (MS4) calls for annual inspection and maintenance to be completed on all city-owned storm sewer infrastructure and, as needed, inspection into illicit discharges into the storm system. In the past, the city of Mendota Heights has performed the inspections; recently on September 21 and September 30, 2022. There is no official agreement on record. A joint powers agreement has been drafted and modeled after similar agreements with the city of Mendota Heights, and reviewed by the city engineer, administrator and attorney. The agreement includes comments from Mendota Heights staff and legal counsel. Koehler recommended the city council authorize execution of the joint powers agreement.

**Moved by Councilmember Diehl and seconded by Councilmember Kleinman to authorize execution of a Joint Powers Agreement (JPA) for Storm Sewer System Inspection and Maintenance Services and Illicit Discharge Inspection Services. Motion carried 4-0.**

**Major Plan Amendment to Surface Water Management Plan** – Koehler explained the city is currently going through an ordinance revision process to include the development of new stormwater management ordinances to align with two permit requirements; the Minnesota Pollution Control Agency (MPCA) construction stormwater general permit and the municipal stormwater general permit (MS4). The stormwater ordinances are drafted and being reviewed by the city administrator and legal counsel to be presented to the council at either the November or December council meeting.

Under the Surface Water Management Plan (SWMP), the council would decide to either submit the amendment to the Lower Mississippi River Watershed Management Organization (LMRWMO) and the Lower Minnesota River Water District (LMRWD) for review and approval or decide not to move forward with the amendment. There is a 60 days review period. A public hearing is discretionary and the council can decide if a public hearing on the SWMP amendment is necessary.

Koehler recommended the city council authorize submittal of the proposed revisions to the SWMP policies to the Watershed Management Organizations for review, and if a public hearing is held it could be in conjunction with the city's annual MS4/Stormwater Protection Plan Program (SWPPP) meeting in November.

**Moved by Councilmember Diehl and seconded by Councilmember Kleinman to submit a Major Plan Amendment to the Surface Water Management Plan to the Lower Mississippi River Watershed Management Organization (LMRWMO) and the Lower Minnesota River Water District (LMRWD) and to include a public hearing in conjunction with the MS4 permit hearing. Motion carried 4-0.**

**Attorney Report** – Attorney Nason stated items for discussion are covered separately on tonight's agenda.

**Resolution 2022-20** – Attorney Nason explained Bigos-River Bluff, LLC is entering into a long-term ground lease with Lilia, LLC to develop the apartment building project on the Lilydale River Bluff property. The final plat and development agreement were approved by council in August. A revised Development Agreement and TIF Agreement are necessary to recognize this lease agreement.

A trail maintenance agreement relating to the public trail has been prepared. The agreement identifies the terms regarding snow and ice removal on any future trail or sidewalk constructed by or with the approval of the city using funds, including Dedication Funds in connection with the River Bluff. If or when the Thompson Lightning site is sold the new owner would be responsible and obligated to provide snow removal.

**Moved by Councilmember Diehl and seconded by Councilmember Cornell to approve Resolution 2022-20 Approving the Amended Development Agreement and Public Trail Maintenance Agreement Related to the Lilydale River Bluff Development. Motion carried 4-0.**

**Resolution 2022-21** – Moved by Councilmember Diehl and seconded by Councilmember Cornell to approve Resolution 2022-21 approving Execution of a Development Agreement (TIF). Motion carried 4-0.

Neil Reardon, ESG Architects shared a preconstruction meeting is scheduled for October 14. The plans would be delivered on October 11.

**Resolution 2022-22** – Election judges have been recruited for the November general election and appointment of judges requires council approval.

**Moved by Councilmember Kleinman and seconded by Councilmember Cornell to approve Resolution 2022-22 Appointing Election Judges for the 2022 General Election. Motion carried 4-0.**

**Code Book Update** – Attorney Nason provided a status update on the city code recodification project. Redlined drafts of several chapters of the City Code were distributed for review and discussion. The intent is to offer an opportunity for council members to give feedback and direction prior to finalization and adoption. Ms. Nason acknowledged a few chapters are in the process and the zoning chapter is complicated and needs to be undertaken.

**Clerk’s Report** – Mary Schultz reported the deposits and disbursements for September 2022 were routine.

**Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve the September 2022 financial reports. Motion carried 4-0.**

**Mayor’s Report** – None.

**Adjournment** – Moved by Councilmember Diehl and seconded by Councilmember Kleinman to adjourn. Motion carried 4-0. The meeting adjourned at 5:02 p.m.

Respectfully submitted:

Final copy reviewed by:

\_\_\_\_\_  
Mary Schultz, City Clerk

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Warren Peterson, Mayor

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Date