

LILYDALE CITY COUNCIL MEETING
November 14, 2022

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

Also Present – Bridget Nason, attorney; Police Captain Wayne Wegener; Jennifer Koehler and Bryan Oakley, Barr Engineering; and Mike Andrejka, building official.

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

Public Hearing – Mayor Peterson opened the Public Hearing on the Municipal Separate Storm Sewer Systems (MS4) and the Storm Water Pollution Prevention Program. Jennifer Koehler facilitated the public meeting and addressed the requirements. The purpose of the Storm Water Pollution Prevention Program is reporting, recordkeeping and the implementation of best management practices and minimum control measures to limit pollution of protected bodies of water.

Mayor Peterson asked if anyone wanted to comment. No comments were made. The public hearing closed at 4:49 p.m.

Public Comments – Robert Hanson, Two Rivers High School ALMAS advisor, invited council members to a video release party at Two Rivers (formerly Henry Sibley) on January 2, 2023 at 5:30 p.m. Hansen noted his students worked on the anti-tobacco campaign and encouraged cities to adopt an ordinance banning flavored tobacco, including the city of Lilydale. ALMAS received a grant for his ALMAS students to produce an anti-vaping video.

October 10, 2022 City Council Meeting Minutes – **Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve the minutes of the October 10, 2022 City Council Meeting. Motion carried 5-0.**

Building Official Report – Mike Andrejka issued 6 permits and closed 2 permits in October 2022.

Police Report – Captain Wegener reported 78 calls with 5 cases opened in October 2022.

Engineer Report - Bryan Oakley reported it is very close to the end of the lift station project. There are two change order requests from Minger Construction.

Change Order 6 relates to an invoice from Xcel Energy concerning fees billed to Minger Construction associated with the mismarked power and subsequent power hit. The invoice is for \$8,543.35. Minger does not believe it is responsible for the costs. Oakley has reached out multiple times to Xcel maintaining Xcel should be responsible for the costs. Xcel has reviewed the invoice and believes it to be valid. If the city decides not to pay Xcel, Minger could pursue legal action against the city as Minger believes they are not responsible. Metropolitan Council Environmental Services (MCES) has agreed to bear one-third of the cost.

Moved by Councilmember Diehl and seconded by Councilmember Hanzal agreeing to add 2/3's payment of the Xcel work associated with Change Order #6 to the Minger Construction contract, and 1/3 of the cost with Metropolitan Environmental Services.

Change Order #7 to Metropolitan Council Environmental Services (MCES) to cover the MCES portion of the project. The city will not pay any portion of Change Order #7.

Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve Change Order #7, to be paid entirely by Metropolitan Council Environmental Services MCES.

Change Order #4 submitted by Minger Construction does not include Change Order #6 (Xcel) or change Order #7 (MCES) and includes a 5% retainage. The retainage will be paid once the remaining punch list items are completed.

Moved by Councilmember Hanzal and seconded by Councilmember Cornell to approve Change Order #4

2022 Storm Sewer System Inspection – Jennifer Koehler reported storm sewer inspection was completed by Mendota Heights' staff in September 2022. Some maintenance items will either be addressed in November 2022 or spring 2023. One issue was the repair of corroded vent pipe supports in the storm sewer structure DS-2. Mendota Heights' staff do not do this type of work and indicated quotes from contractors should be requested. Six contractors were contacted for quotes and Barr received project quotes from two contractors. JL Theis was the low bidder at \$2,340. Barr recommended approval of JL Theis.

Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve entering into a contract with JL Theis to repair the vent pipe supports in the storm sewer structure DS-2. Motion carried 5-0.

Attorney Report – Attorney Nason anticipates River Bluffs documents will be signed this week including the Storm Water Facilities Maintenance Agreement and the Development Agreement for the plat of Lilydale River Bluff.

Resolution 2022-23 – The city has reviewed the current sanitary sewer rate of \$52.50 a quarter and determined an increase is reasonable and warranted for 2023.

Moved by Councilmember Kleinman and seconded by Councilmember Cornell to approve Resolution 2022-23 Approving the City Sanitary Sewer Rates of \$57.75 a quarter per SAC unit for 2023. Motion carried 5-0.

Resolution 2022-24 – Re-execution of the Joint Power Agreement (JPA) is necessary as the original JPA and amendments from the past 20+ years were digitized and combined by the Lower Mississippi River Watershed Management Organization (LMRWMO) legal counsel. There were no significant changes to the structure or operational duties of the LMRWMO.

Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve Resolution 2022-24 Approving the Re-Execution of the Joint Powers Agreement Establishing

a Watershed Management Organization for the Lower Mississippi River Watershed. Motion carried 5-0.

Resolution 2022-25 – The annual grant allows the city to implement recycling programs and activities which are carried out primarily by its shared recycling coordinator. **Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve Resolution 2022-25 Community Waste Abatement 2022 Grant Program Agreement. Motion carried 5-0.**

2023 Liquor Licenses – Current licensees have applied for renewal of their liquor licenses. An application packet has been submitted and license fees paid. The Mendota Heights Police Department is currently completing background checks on the applicants.

Moved by Councilmember Diehl and seconded by Councilmember Cornell to approve the list of liquor license renewals for 2023. Motion carried 5-0.

Mayor’s Report – None.

Clerk’s Report – The financial reports were presented for approval. Councilmember Hanzal identified two corrections to the October 2022 Disbursements spreadsheet. The check to Gopher State in the amount of \$43.20 should be listed and A to Z Home Inspection check amount should be corrected to \$2,945.00 (not \$3,945.00).

Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve the October 2022 financial reports, as revised. Motion carried 5-0.

Mayor’s Report – None.

Resolution 2022-26 – Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the 2022 Municipal General Election Results as noted on the Abstract provided by Dakota County. **Motion carried 5-0.**

Adjournment – Moved by Councilmember Diehl and seconded by Councilmember Kleinman to adjourn. **Motion carried 5-0.** The meeting adjourned at 5:26 p.m.

Respectfully submitted:

Final copy reviewed by:

Mary Schultz, City Clerk

Warren Peterson, Mayor

Date