

LILYDALE CITY COUNCIL MEETING
December 10, 2018

Present - Mayor Warren Peterson; Council Members John Diehl, Lyle Hanzal, Anita Pampusch; Mary Schultz, City Clerk and Kathy Mutch, administrative assistant
(Absent: Bill Kleinman)

Also Present – Police Chief Kelly McCarthy; Mike Andrejka, Building Inspector and Jeff Weiss, Barr Engineering; Bridget Nason of LeVander, Gillen & Miller; Roxanne Sands, Planning Commission; Elyse Less of Tobacco-Free Alliance, and Reuben Vizelman

The city council meeting was called to order at 4:30 p.m. by Mayor Warren Peterson. The Pledge of Allegiance was recited.

Agenda – Mayor Peterson added an item to the agenda: #19 credit card discussion.

Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to approve the revised agenda. Motion carried 4-0.

Public Comments – Councilmember Diehl asked council members to adopt his resolution, and read in a spirit of fun:

WHEREAS, Warren Peterson was born December 19, 1938, and the world has been a better place because of that; and

WHEREAS, 55 years ago (as of December 28) he and his lovely wife were married; and

WHEREAS, Warren and Ann have two children (now known as adult off-spring) of whom they are justifiably proud; and

WHEREAS, Warren Peterson became a lawyer in 1964 and has now practiced law for 54 years, including service as Assistant Minnesota Attorney General; and

WHEREAS, Warren Peterson has served with distinction as a Lilydale City Council Member and Mayor of our great city;

NOW, THEREFORE, BE IT HEREBY RESOLVED that December 19, 2018, is declared to be Warren Peterson Day in the United States of America.

Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to adopt the Resolution Warren Peterson Day. Motion carried 4-0. (Resolution 18-17)

City Council Minutes - Moved by Councilmember Pampusch and seconded by Councilmember Hanzal to approve the November 13, 2018 City Council Minutes with a grammatical correction under Engineer Report “in turn”. Motion carried 4-0.

Civil Attorney Report – Bridget Nason, attorney, said she had no report tonight; however, she would be attending meetings through the end of April during Mike O’Brien’s absence.

Building Official Report – Mike Andrejka reported three permits were issued and two closed during the month of November.

Police Report – Chief McCarthy reported the police department has received some calls and comments of concern regarding the Diamond Jim’s Mall. Officers are conducting drive-bys and door pulls of the buildings and property.

Tobacco Policy Educational Presentation – Elyse Less, Tobacco-Free Alliance MN, provided an extensive informational presentation on the rise of youth tobacco use and effective local tobacco prevention policies to reduce youth tobacco initiation, use and access to tobacco products. She noted Mendota Heights became the 18th locality in Minnesota to increase the tobacco sales age to 21. An ordinance passed by a unanimous vote in Mendota Heights included language to ban the sale of flavored tobacco products including menthol, mint and wintergreen by Mendota Heights retailers. Reuben Vizelman, a Lilydale resident and student at St. Paul Academy, shared his observation of increased tobacco usage among his peers.

Engineer Report – Jeff Weiss reported the SAFL baffle was ordered and should be installed next week, satisfying the grant by being installed before the end of the year.

Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve Resolution 18-14 Joint Powers Agreement between the Lower Mississippi River Watershed Management Organization and the City of Lilydale for a SAFL Baffle Installation Grant. Motion carried 4-0.

Weiss stated the Surface Water Management Plan (SWMP) was adopted by the City in June 2018, and is an appendix to the Draft 2040 Comprehensive Plan. In review of the Draft Comp Plan, the Lower Minnesota River Watershed District and the Lower Mississippi River Watershed Management Organization submitted comments on the Surface Water Management Plan. Weiss outlined the comments and his response in a December 10, 2018, memo to the City Council. Weiss noted the changes are minor.

Councilmember Hanzal suggested Task 3.2 in the Implementation Table be changed to “Review floodplain management ordinance.”

Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the revisions to the Surface Water Management Plan including Councilmember Hanzal’s amendment. Motion carried 4-0.

Weiss will notify the two watersheds of the minor changes and provide them with a revised SWMP.

Closed Meeting - Moved by Councilmember Diehl and seconded by Councilmember Hanzal to close the meeting pursuant to MN Statutes Section 13D.05, subd. 3(b), pursuant to the attorney-client privilege to discuss pending litigation related to the Lilydale Stormwater Project #2 Modifications and Big Rivers Regional Trail Structure Repairs. The closed meeting will be held in the Council

Chambers and will commence immediately. Once the closed meeting is completed, the City Council will reconvene the open meeting portion of tonight's City Council meeting in Council Chambers.

Meeting reopened at 6:25 p.m.

Lilydale Stormwater Project #2 Modifications and Big Rivers Regional Trail Structure Repairs Matters - Moved by Councilmember Pampusch and seconded by Councilmember Diehl to approve the mediated settlement agreement. Motion carried 4-0.

Planning Commission Report - 2040 Comprehensive Plan Update – Councilmember Diehl reported the Planning Commission met on December 6, 2018, and reviewed in great detail comments received by various jurisdictions on the Draft 2040 Comprehensive Plan. Phil Carlson, city planner was commissioned to revise the 2040 Comprehensive Plan accordingly. The Planning Commission approved the revisions and recommended the City Council approve the 2040 Comprehensive Plan.

In his December 7, 2018, memo to the City Council, Mr. Carlson, summarized the Planning Commission's recommended revisions to the Comprehensive Plan and the Mississippi River Corridor Critical Area Plan. Carlson provided minor changes to the Subsurface Sewage Treatment Systems section of the Comp Plan as suggested by Dakota County with the insertion of references to Dakota County Ordinance 113.

Councilmember Diehl suggested the policy regarding bluff areas in the MRRCCA Plan be revised as follows: "Bluff areas are significant resources to the MRCCA corridor and should be protected. Disturbances to the bluff face including grading, construction, and tree cutting are not appropriate. The line at the top of the 18% or greater slope, also known as the bluff line, should not be altered. If feasible, an area 40-feet behind the bluff line should be preserved and retain native vegetation."

Councilmember Diehl also suggested revisions to paragraphs two and three in the Views toward the Bluff from the River section of the MRCCA Plan as follows. The last sentence of paragraph two should be revised to read: "Redevelopment of the site will need to meet current zoning standards or gain City Council approval if varying from those standards." The first sentence of paragraph three should be revised to read: "The height of a proposed development may be visible from the river and vice-versa."

Moved by Councilmember Diehl and seconded by Councilmember Hanzel to approve the Planning Commission Recommendations on Final Revisions as outlined in the December 7, 2018, memo from Phil Carlson along with the changes discussed at the December 10, 2018 City Council meeting and submittal of the Comprehensive Plan Update to the Metropolitan Council. Motion carried 4-0. (Resolution 18-18)

Resolution 18-15 – Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to approve Resolution 18-15, Designating Lilydale City Hall as the Official Polling Location in 2019. Motion carried 4-0.

Tobacco Licenses – Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the 2019 tobacco licenses subject to the applicants completing required documents and payment of license fee to the City. Motion carried 4-0.

Liquor Licenses – Moved by Councilmember Pampusch and seconded by Councilmember Hanzal to approve the 2019 liquor licenses subject to the applicants completing background checks, required documents and payment of license fee to the City. Motion carried 4-0.

Councilmember Diehl left at 6:45 p.m.

Document Shredding Service Agreement – Lilydale’s 2018 community funding work plan (recycling plan) identified on-site document shredding. A secure console would be located inside Lilydale city hall for use by staff and residents at no charge to residents for the service. Residents will be limited to one banker’s size box per calendar quarter. Service would be provided as needed. Attorney Mike O’Brien has reviewed the Agreement.

Moved by Councilmember Pampusch and seconded by Councilmember Hanzal to authorize the city administrator to sign the Confidential Document Destruction Agreement as presented. Motion carried 3-0.

Clerk’s Report – Clerk Schultz reported the November deposits and disbursements were routine. Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to approve the November 2018 financial reports as presented. Motion carried 3-0.

Public Budget Meeting – The regular meeting recessed at 6:20 p.m. and Mayor Peterson declared a Public Meeting on the 2019 budget and levy open. No members of the public offered comments. The public meeting closed and the regular city council meeting resumed at 6:25 p.m.

Resolution 18-16 – Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to approve the 2019 final levy to be certified to Dakota County of \$523,988 and the 2019 final budget of \$593,534. Motion carried 3-0.

Mayor’s Report – Mayor Peterson asked for clarification on the use and limitations of a business credit card. A draft policy will be brought to the January 2019 meeting.

Adjournment – Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to adjourn the meeting. There being no further business, the meeting adjourned at 6:57 p.m.

Respectfully submitted:

Final copy reviewed by:

Mary Schultz, City Clerk

Warren Peterson, Mayor

Date