

**LILYDALE CITY COUNCIL MEETING
December 11, 2023**

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

Also Present: Kori Land and Greta Bjerkness, LeVander, Gillen & Miller; Jennifer Koehler, Barr Engineering; and Julie Seykora, Planning Commission

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

October 30, 2023 City Council and Planning Commission Joint Meeting Minutes –Moved by Councilmember Kleinman and seconded by Councilmember Kleinberg to approve the minutes of the October 30, 2023 City Council and Planning Commission Joint Meeting, as presented. Motion carried 5-0.

November 13, 2023 City Council Meeting Minutes – Moved by Councilmember Cornell and seconded by Councilmember Kleinberg to approve the minutes of the November 13, 2023 City Council Meeting, as presented. Motion carried 5-0.

Public Comments - None

Public Hearing - Annual Meeting to Review Stormwater Pollution Prevention Program Plan – Mayor Diehl opened the Public Hearing.

Jennifer Koehler provided an overview of the city’s activities for the year and reviewed the six minimum control measures under the MS4 permit issued in 2021. She stated Mendota Heights completed this year’s inspections and, for the most part, everything is in good condition. Moving forward the city of Mendota Heights does not have the staff to continue inspections, but Barr is able take over the inspections. Koehler continues to follow up with MnDOT on the SAFL Baffle that was not installed. The drop shaft stormwater system will be televised in 2024.

Mayor Diehl asked for public comments. No public comments were made and the Public Hearing was closed at 4:47 p.m.

Public Hearing – Consider Adoption of an Ordinance Enacting Chapter 11, Fees and Charges - Mayor Diehl opened the Public Hearing on Chapter 11 of the City Code establishing a schedule of fees.

No public comments were made and the Public Hearing closed at 4:48 p.m.

Open Items – Clarification of what is considered an open item was discussed. Consensus was it referred to an item the council has talked about, pending issues or pending items the city administrator is working on.

- Councilmember Cornell inquired about the status of the lessee’s insurance for rental of the city hall garage. City administrator Schultz stated the contract has been sent and she has not yet heard from the lessee. The contract begins January 2024.
- City administrator Schultz has been working with the Department of Transportation on the noise ordinance enforced sign. MnDOT has specific places where signs can be placed. The cost of a sign and installation is about \$1,500.

Building Official Report –Seven permits were issued and five closed in the month of November.

Police Report –City administrator Schultz reported there were 42 incidents and 2 fire calls in the month of November.

Personnel Committee Report – Councilmember Cornell reported the committee met and discussed the new statutory mandate for Earned Sick and Safe Time (ESST) which goes into effect on January 1, 2024. A policy has been prepared by the city attorney, reviewed by the Personnel Committee and recommended for approval. The employment contract with the city administrator exceeds what was required for ESST.

Engineer’s Report – Jennifer Koehler reported W. W. Goetsch has completed the warranty repairs of the pumps at the lift station. At the November meeting Barr was directed to proceed with design of modifications to the existing lift station system including the addition of a grinder station to reduce the frequency of plugging problems. Koehler clarified with the project’s estimated cost of \$123,000 the city is not required to advertise and seek bids. Barr is finalizing the plans and reaching out to contractors who had bid on the lift station project. Barr expects to have plans and a bid package complete by December 18, 2023.

Moved by Mayor Diehl and seconded by Councilmember Hanzal to approve use of the Lift Station Modification Project Plans for securing project quotes, as finalized for 100% design/issued for bid and authorize the City Administrator and City Engineer to request at least two quotes from contractors for the proposed Lift Station Modifications. Motion carried 5-0.

Moved by Councilmember Kleinman and seconded by Councilmember Cornell to authorize City Administrator Schultz and Mayor Diehl to engage the owner of the senior living facility in a discussion and possible cost sharing in solving the plugging problems. Motion carried 5-0.

City Attorney - Resolution 2023-23 Approving the Publication of a Summary of Ordinance No. 2023-15 - Attorney Land explained this resolution was carried over from the November meeting because it requires a 4/5ths vote by the council and only three councilmembers were in attendance. **Moved by Councilmember Kleinman and seconded by Councilmember Hanzal to approve Resolution 2023-23 Approving the Publication of a Summary of Ordinance No. 2023-15. Motion carried 5-0.**

Ordinance 2023-16 An Ordinance Adopting Chapter 11 of the Lilydale City Code Regarding Fees and Charges – A complete revision of Chapter 11 of the Lilydale City Code was done. A chart was put together removing and adding some fees. Attorney Land clarified land use application fee and an escrow fee cover extra costs incurred through the city planner, the city attorney, or consultant-type fees and are captured by the applicant.

Attorney Land explained liquor license penalties are imposed for failure during a compliance check. It allows for the council to impose an administrative penalty and can be for any liquor license violation under state ordinance. Land also clarified the council has no discretion regarding tobacco penalties but does have discretion on liquor penalties.

Councilmember Cornell questioned what a special investigation fee was and how it is measured. Clarification by MNSPECT was requested.

Attorney Land assured Councilmember Hanzal Chapter 11 pages would be numbered.

Moved by Mayor Diehl and seconded by Councilmember Hanzal to approve Ordinance 2023-16 an Ordinance Adopting Chapter 11 of the Lilydale City Code Regarding Fees and Charges.

Moved by Mayor Diehl and seconded by Councilmember Hanzal to correct or amend the utility late fee to \$2.00 or 5% whichever is greater. The amendment carried 5-0.

The original motion as proposed and amended carried 5-0.

Resolution 2023-24 Approving the Publication of a Summary of Ordinance No. 2023-16 - Moved by Councilmember Hanzal and seconded by Councilmember Kleinberg to approve Resolution 2023-24 Approving the Publication of a Summary of Ordinance No. 2023-16. Motion carried 5-0.

Resolution 2023-25 Earned Sick and Safe Time Policy – Attorney Land reviewed recently enacted legislation requiring all employers to allow employees who work at least 80 hours per year to earn sick and safe time (ESST). Employers are allowed to implement the law in various ways. The Personnel Committee recommended Option 1: Employee earns one hour for every 30 hours worked, up to a max of 48 hours a year; PTO cannot be used until it is earned; carryover of PTO is allowed up to 80 hours a year; and PTO is paid out upon termination/resignation. The policy is written accordingly.

Moved by Councilmember Cornell and seconded by Councilmember Kleinberg Approving Resolution 2023-25 Approving the Administrative Policy on Paid Time Off Benefits for Part-Time, Temporary and Seasonal Employees. Motion carried 5-0.

Clerk's Report – The financial reports for November were presented. The deposits included liquor license permit fees, two tobacco fees and the second half of the tax receipts from July through the end of November. Disbursements included membership fees, dues for annual renewals and payments to W.W. Goetsch for unclogging the lift station pump. **Moved by Mayor Diehl and seconded by Councilmember Cornell to approve the November 2023 financial reports, as presented. Motion carried 5-0.**

Joint Powers Agreement to Provide Recycling Services – City administrator Schultz explained the city has participated in a Joint Powers Agreement (JPA) with the cities of West St. Paul, South St. Paul, Mendota Heights, and Sunfish Lake since 2020 for a shared recycling coordinator. The JPA has been amended to reflect current practices.

Moved by Councilmember Hanzal and seconded by Councilmember Cornell to approve the Joint Powers Agreement to Provide Recycling Services and authorize the Mayor and City Clerk to sign the Agreement. Motion carried 5-0.

Community Waste Abatement 2024 Grant Program Agreement – City administrator Schultz explained the grant allows the city to receive funds to implement recycling programs and activities which are carried out primarily by the shared recycling coordinator. There are no significant changes to the County grant in 2024.

Moved by Councilmember Kleinberg and seconded by Councilmember Hanzal to approve the Community Waste Abatement 2024 Grant Agreement. Motion carried 5-0.

Renewal of Tobacco Licenses – Chet's Liquor, Holiday Stationstores, LLC and Nazha, Inc. dba Lilydale BP have completed an application packet and paid the permit fee for renewal of their tobacco license for 2024.

Moved by Mayor Diehl and seconded by Councilmember Cornell to approve the 2024 tobacco license renewals for Chet’s Liquor, Holiday Stationstores, LLC, and Nazha, Inc. Motion carried 5-0.

City Attorney Transition – Mayor Diehl recognized Attorney Nason’s change in her professional life and the work the LeVander firm has done for the city. Mayor Diehl stated he was pleased Ms. Land was present at tonight’s meeting. He noted this change gives the city an opportunity to look at its relationship with the LeVander firm, stating it is prudent to pause, see the lay of the land and possibly expand the list of firms to consideration for civil legal representation. He asked Attorney Land to make a proposal. In January the council will take action on annual appointments, including counsel. Greta Bjerkness, attorney from LeVander was introduced. Ms. Bjerkness shared her experience and her interest in working with the city.

Councilmember Cornell noted her positive experience working with Attorney Land on the ESST policy, and how smoothly Land picked up from where we had left off with Attorney Nason on drafting of the policy.

Councilmember Hanzal suggested a proposal be requested from Larkin Hoffman. Mayor Diehl stated he would not participate in this discussion since he works at Larkin Hoffman.

Moved by Councilmember Kleinman and seconded by Councilmember Cornell to authorize Mayor Diehl to ask councilmembers and others who may be interested, and appoint a subset or group to take a more in-depth review and identify firms that should be considered by the council in January. Motion carried 5-0.

Public Budget Meeting – Mayor Diehl called to order the public budget meeting at 6:25 p.m. No comments were made and Mayor Diehl closed the budget meeting.

Resolution 2023-26 Approving Final Tax Levy for the Year 2023, Collectible in 2024 and Adopting the Budget for 2024 – Mayor Diehl explained the city administrator works constantly on the budget throughout the year managing the city’s operation. The Finance Committee worked with Ms. Schultz to prepare the budget. Schultz explained police and fire increased by \$35,000; elections by \$4,000 (no election last year), and office supplies, trail maintenance, and personnel costs were up.

Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve Resolution 2023-26 Approving Final 2023 Tax Levy of \$639,186 Collectible in 2024 and Adopting Proposed Budget of \$721,071 for 2024. Motion carried 5-0.

Closed Meeting - Moved by Councilmember Kleinman and seconded by Councilmember Kleinberg to close the meeting pursuant to Minn. Stat. §13D.05, Subd. 3(a): Employee Performance Evaluations. Motion carried 5-0. The meeting closed at 6:35 p.m.

Open Meeting - Moved by Mayor Diehl and seconded by Councilmember Kleinberg to open the meeting at 6:57 p.m.

City Administrator Agreement - Moved by Councilmember Cornell and seconded by Councilmember Kleinman to approve and authorize the Employment Agreement with the city administrator. Motion carried 5-0.

Wages and Benefits - Moved by Councilmember Cornell and seconded by Councilmember Hanzal to approve a rate increase for 2024 from \$25.50 per hour to \$26.25 per hour for the administrative assistant. Motion carried 5-0.

Council Comments – Councilmember Kleinberg explained new guidelines on recycling are being developed and John Exner from Dakota County is willing to come and speak to the council in the spring about them.

Mayor's Report – None.

Adjournment – The meeting adjourned at 7:02 p.m.

Respectfully submitted:

Mary Schultz, City Clerk