

LILYDALE CITY COUNCIL MEETING
December 13, 2021

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

Also Present – Bridget Nason, city attorney; Police Captain Wayne Wegener; Mike Andrejka, building official; Jennifer Koehler, Barr Engineering and Phil Carlson, Stantec

The city council meeting was called to order at 4:30 p.m.

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

Public Comments - Jim Vaughan, Summit resident, stated he wanted to talk to someone from Bigos on financing.

Planned Unit Development Continued Discussion - Phil Carlson stated he has not talked directly with Bigos but had left messages with Bigos and the architects, as has the city attorney, advising them that PUD discussion was continued to January. Carlson also spoke with Mike Salmen, who represents the sellers, notifying him where the recommendation is in the process. While still very supportive of the project, Carlson explained more information and clarification on a number of items has been requested.

Mayor Peterson asked about intensity and height. Carlson explained a logical set of arguments would back a decision on the Planned Unit Development. The site must be redeveloped. The site is structurally substandard and a possible health hazard. The stormwater situation of water spilling over the bluff contributes to erosion to the bluff and hillside. Along with other reasons it is essential that the site be redeveloped. Two other entities interested in developing the site, when faced with the site's challenges, the development fell through. The city's ordinance limits height to 50 feet. However, the city council can approve a change to the height under a PUD development.

Mayor Peterson, acknowledged the site is challenging and noted the developer's position it can't support a building of 50 feet economically.

Bridget Nason explained there are two things the council has to determine. First, interpretation of intensity for purposes of a PUD ordinance includes height, in a scholarly planning interpretation. Then the council would look to the rest of the ordinance, and if intensity includes height the height is permitted provided the public benefits are significant. Nason explained several resolutions for the council to consider need to be prepared.

Mr. Salmen, representing the sellers on the sale of the property, expressed concern with pushing out deadlines as there are contracts in place. Salmen said time is of the essence and asked if a date earlier than January 10 might be considered. Mayor Peterson responded the council would be willing to accommodate, if possible.

Jim Vaughan, Summit resident, asked who Bigos would be marketing to? Mr. Salmen replied there is no age restriction.

Ms. Nason clarified if anyone wants to be advised when special meetings are held they can be notified by contacting the city office.

Mr. Carlson stated significant community benefits could mean improved stormwater, an improved situation of structure sitting on the edge of the bluff, the situation of contaminants in the structure, crime and vandalism, and in addition, the development would bring in residents.

Concept Plan Approval Continuation – Moved by Mayor Peterson and seconded by Councilmember Hanzal to continue consideration of an application for Concept Plan Approval for a Planned Unit Development (PUD) and Other Approvals for the Lilydale River Bluffs Project, located at 797-871 Sibley Memorial Highway until the next City Council meeting on January 10, 2022, unless a special meeting is called by city council prior to the January meeting. Motion carried 4-0.

November 8, 2021 City Council Meeting Minutes – Moved by Councilmember Kleinman and seconded by Councilmember Pampusch to approve the minutes of the November 8, 2021 city council meeting, as presented. Motion carried 4-0.

Building Office Report – Mike Andrejka reported six permits were issued and five closed in November.

Police Report – Captain Wegener reported there were 72 incidents responded to in November and nine cases were opened.

Engineer Report – Jennifer Koehler reported the private water main was repaired on November 17. Three difference cracks were identified and repaired. A decrease in water flow was seen almost instantly. Koehler provided a comparison chart of Metropolitan Council Environmental Services flow, Lilydale flow and Lilydale water usage data. Review of this data showed the sanitary flows record are correct and, even with the private watermain leak repaired, there is still significant I&I (inflow and infiltration) into the city’s sanitary sewer system. Koehler recommended inspection of all nine sanitary manholes located along the base of the bluff upstream of the existing lift station and to evaluate and recommend improvements to reduce I&I in the manholes with identified problems. Ms. Koehler will follow up with Lexington Riverside on their water usage.

Attorney Report – Attorney Nason explained the firm, LeVander, Gillen & Miller, has provided civil legal representation as well as criminal prosecution services to the city of Lilydale since 2018. The board of directors of LeVander has decided it would no longer provide criminal prosecution services after December 17, 2021.

Prosecution Legal Services Agreement – City staff solicited proposals for criminal prosecution services from two law firms within Dakota County. Based on the proposals received, staff requested that a contract be negotiated with Grannis & Hauge, P.A. which is before you now for your consideration. The firm currently serves the City of Mendota Heights.

Moved by Mayor Peterson and seconded by Councilmember Hanzal to approve a legal services agreement for criminal prosecution services with the law firm of Grannis & Hauge. Motion carried 4-0.

Civil Legal Services Agreement – Attorney Nason explained the civil legal services agreement with LeVander has been restructured removing criminal prosecution services from its provided services. This agreement is a two-year agreement and includes a modest increase in 2024.

Moved by Mayor Peterson and seconded by Councilmember Kleinman to approve the Civil Legal Services Agreement by and between the City of Lilydale and LeVander, Gillen & Miller, P.A. Motion carried 4-0.

Resolution - Redistribution of Unrequested Coronavirus Local Fiscal Recovery Fund – Attorney Nason explained the guidelines adopted by the Department of Treasury for use of these funds differs from the guidelines for the previous recovery funds. Nason reminded the council lift station repair costs were eligible under the guidelines and the council had decided to utilize the funds to pay for lift station repairs.

Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to Accept the Redistribution of Unrequested Coronavirus Local Fiscal Recovery Fund Established Under the American Rescue Plan Act. Motion carried 4-0.

Resolution - Polling Place Designation – Moved by Councilmember Pampusch and seconded by Councilmember Kleinman to designate City Hall located at 1011 Sibley Memorial Highway as the Official Polling location in 2022 for the City of Lilydale. Motion carried 4-0.

Resolution – City Council Meeting Dates – Moved by Councilmember Kleinman and seconded by Councilmember Hanzal to approve the Resolution Setting the Dates of the Regular City Council Meetings for the Year 2022. Motion carried 4-0.

Liquor License Renewal – Each applicant has submitted an application and paid the license fees for 2022. The Mendota Heights Police Department is currently completing background investigations on all of the applicants.

Moved by Councilmember Kleinman and seconded by Councilmember Hanzal to approve the liquor license renewals for the establishments listed on Attachment A for the period of January 1 through December 31, 2022, contingent on completed background investigations finding no issues or concerns. Motion carried 4-0.

Tobacco License Renewal – Each applicant has applied for renewal of its licenses for 2022. The three applicants: Chet’s Liquor Drive-In, Holiday Stationstores and Nazha dba Lilydale BP, have submitted an application and paid the \$300 license fee.

Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the tobacco license renewals for Chet’s Liquor Drive-In, Inc. dba Chet’s Wine & Brewsky, Holiday Stationstores, LLC, and Nazha, Inc. dba Lilydale BP for the period of January 1 through December 31, 2022. Motion carried 4-0.

Community Waste Abatement 2022 Grant Program Agreement – 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 Pampusch and seconded by Councilmember Kleinman to approve the Community Waste Abatement 2022 Grant Program Agreement, as presented. Motion carried 4-0.

Clerk’s Report – Clerk Schultz reported the deposits for November were relatively routine; with the exception of the COVID funds of \$1,465.79. Disbursements were routine as well.

Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the November financial reports, as presented. Motion carried 4-0.

Mayor’s Report – No report.

Recess and Reconvene – Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to recess the meeting at 5:22 p.m. and reconvene at 6:00 p.m. for the budget meeting. Motion carried 4-0.

Public Budget Meeting – Mayor Peterson reconvened the meeting at 6:00 p.m. and asked for public comments. No comments were made.

Resolution - Final Tax Levy and Budget - Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to approve the Resolution Approving the Final Tax Levy of \$565,424 for the Year 2021, Collectible in 2022 and Adopting the Budget in the amount of \$651,235 for 2022.

Adjournment – Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to adjourn. Motion carried 4-0. The meeting adjourned at 6:02 p.m.

Respectfully submitted:

Final copy reviewed by:

Mary Schultz, City Clerk

Warren Peterson, Mayor

Date