

**LILYDALE CITY COUNCIL MEETING  
December 14, 2020**

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

**Also Present** – Bridget Nason, city attorney; Police Captain Wayne Wegener, Mendota Heights Police Department; and Jim Langseth and Bryan Oakley, Barr Engineering (via phone), Bill Miller owner of Sunfish Cellars/ I Nonni/ Buon Giorno.

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

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

**Public Comments** – No comments.

**November 9, 2020 City Council Meeting Minutes** – Moved by Councilmember Pampusch and seconded by Councilmember Diehl to approve the minutes of the November 9, 2020 city council meeting. Motion carried 5-0.

**November 12, 2020 City Council Meeting Minutes** – Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to approve the minutes of the November 12, 2020 city council meeting. Motion carried 5-0.

**Engineer Report** – Jim Langseth reported the City of St. Paul is considering a dog park in Lilydale Park. Mary Schultz and he will attend a meeting this week to learn more about this project.

Bryan Oakley updated the council on the design progress for the Lilydale lift station project. Oakley had been waiting on a variance from the Minnesota Department of Health to drill beneath the power lines, but due to difficulty in obtaining a variance and since this site is not the preferred location, he will not pursue a variance. The geotechnical work will be done in the next few weeks and he will have a better understanding of groundwater in the area. Approval has been received for drilling rig access from a representative of Lilydale Senior Living. Oakley's memorandum dated December 10 shed light on why the project is moving slower than hoped for; about a month farther out. He assured the council there were no adverse consequences to the projected delay. Oakley is waiting for the geotechnical report and will then prepare preliminary drawings and have further discussions with Dakota County, MnDOT, Union Pacific (if needed) Xcel Energy and Lilydale Senior Living to review general site arrangements.

Councilmember Hanzal questioned if costs are tracked separately and coded to its proper allocation either stormwater-related or sanitary-related allocation. Mr. Langseth explained design costs are tracked separately from construction costs. Mr. Oakley added costs are proportional, engineering costs to construction costs.

**Police Report** – Captain Wagener updated the council on the homeless encampment reporting one person has started receiving services. Also there is an increase in package thefts at this time of year.

**Building Official Report** – Building report showed seven building permits were issued and seven closed in November.

**Attorney Report** – No report.

**Resolution 20-18 Liquor License Violation** – A liquor license violation occurred at I Nonni on October 1. A person under the age of 21 was sold an alcoholic beverage by an employee during the compliance check by the Mendota Heights Police Department. The employee has been charged and the license holder was advised of this alleged liquor license violation.

Bill Miller, owner of Sunfish Cellars, LLC D/B/A I Nonni/Buon Giorno/Sunfish Cellars, offered a sincere apology for the violation. He explained his staff are given training yearly.

**Moved by Councilmember Diehl and seconded by Councilmember Hanzal to accept into evidence Exhibits A-D and adopt Resolution 20-18 Findings of Fact and Conclusion. Based upon the evidence presented at the hearing, the City Council concludes that Sunfish Cellars, LLC D/B/A I Nonni/Buon Giorno/Sunfish Cellars, the on-sale liquor license holder for the premises located at 981 Sibley Memorial Highway, Lilydale, MN 55118 failed to comply with the provisions of Minn. Stat. Sec. 340A.415 by allowing the sale of an alcoholic beverage to a person under 21 years of age on October 1, 2020. A \$200 civil penalty is imposed. The penalty is stayed for a period of one year on the condition that the license holder have no further violations. Motion carried 5-0.**

**Ordinance Amending Lilydale City Code Chapter 5 Related to License Fees** – Mayor Peterson facilitated discussion on amending city ordinances related to license fees and eliminating certain license requirements.

**Moved by Councilmember Diehl and seconded by Councilmember Kleinman to approve the adoption of an Ordinance Amending Lilydale City Code Chapter 5, Part 1, Section 501.02 Related to License Fees and Eliminating Certain License Requirements Found in Sections 502.01 and 901.06, with the correct spelling of “repealer”. Motion carried 5-0.**

Mayor Peterson requested letters be sent to businesses informing them the city council has repealed business license fees.

**Resolution 20-19 Authorizing One-Time Reduction in On-Sale Liquor License Fees** – A one-time 50 percent reduction of on-sale liquor license fees was proposed because of the pandemic and temporary closure of in-person dining services and recognition of the possibility of further closures.

**Moved by Councilmember Pampusch and seconded by Councilmember Diehl to approve Resolution 20-19 Authorizing a One-Time Reduction in On-Sale Intoxicating Liquor License Fees Due to COVID-19 Health Pandemic and Existing Executive Orders as amended. Motion carried 5-0.**

**Resolution 20-20 Designating a Polling Place for 2021** – Each municipality is required to designate a polling place for the following calendar year. Lilydale has one precinct and designates City Hall as the official polling site.

**Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to approve Resolution 20-20 Designating a Polling Place for 2021. Motion carried 5-0.**

**Renewal of Liquor Licenses** – Four businesses have applied for renewal of their liquor licenses. Each submitted an application packet and the Mendota Heights Police Department is currently completing a background check on the applicants.

**Moved by Councilmember Kleinman and seconded by Councilmember Hanzal to approve the liquor license renewals for January 1-December 31, 2021, as listed on Attachment A. Motion carried 5-0.**

**Renewal of Tobacco Licenses** – Three tobacco licensee have submitted an application packet and paid a \$300 license fee.

**Moved by Councilmember Pampusch and seconded by Councilmember Hanzal to approve the tobacco license renewals for the establishments listed on Attachment A for the period of January 1 through December 31, 2021. Motion carried 5-0.**

**Clerk’s Report** – Clerk Schultz reported deposits included permits, gambling revenue at Bogey’s and garage rental. She explained the CARES Act fund balance of \$133.39 will be returned to Dakota County.

**Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the Clerk’s Report for November 2020 as presented. Motion carried 5-0.**

**COVID-19 Community Testing Report** –Councilmember Diehl intended to share with councilmembers a written summary on the positive and negative numbers from the COVID testing and COVID antibody testing. Bluestone and Fairview Health East each had funding and covered the testing costs. The city did not incur any testing costs. Events were held at city hall and Lexington Riverside and were well attended.

Councilmember Diehl was commended for his efforts on providing testing to community members.

**Public Budget Meeting** – Mayor Peterson called the public budget meeting to order at 6:00 p.m. and asked for comments. No community members were present.

Mayor Peterson closed the public budget meeting at 6:01 p.m.

**Resolution 20-21 Approving Final Tax Levy** – Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to approve Resolution 20-21, Approving the Final Tax Levy for the Year 2020 of \$565,424, Collectible in 2021 and Adopting the City of Lilydale Budget of \$643,794 for 2021. Motion carried 5-0.

**Mayor’s Report** – Mayor Peterson stated maintenance of the Mary June Mullarky trail is needed.

**Adjournment** – Moved by Councilmember Hanzal and seconded by Kleinman to adjourn. Motion carried 5-0. The meeting adjourned at 6:02 p.m.

Respectfully submitted:

Final copy reviewed by:

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Mary Schultz, City Clerk

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Warren Peterson, Mayor

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Date