

# LILYDALE CITY COUNCIL MEETING

January 9, 2012

**Present** – Mayor A. Pampusch; Council Members W. Peterson, M. Lundberg, R. Bullard, J. Diehl; City Civil Attorney M. O’Brien; City Criminal Attorney T. Lehmann; Police Chief M. Aschenbrener; Building Inspector D. Neameyer; Clerk M. Schultz; Assistant L. Owen  
**Others Present** – Christine Hagstrom and Tom Voss from Chet’s Liquors, Planning Commission Member Roxanne Sands, Patch Reporter Danielle Cabot

The City Council Meeting was called to order at 4:35 p.m. by Mayor Pampusch. The Pledge of Allegiance was recited.

**Agenda** – **Motion made by Councilmember Diehl, Seconded by Councilmember Bullard to approve the agenda. Passed 5-0.**

Mayor Pampusch began the meeting by extending our sympathies to Councilmember Lundberg on the death of her husband last week.

**Minutes** – **Motion by Councilmember Diehl, Seconded by Councilmember Bullard to approve the December 12, 2011 Council Minutes. Passed 5-0.**

Mayor Pampusch officially welcomed our new City Clerk, Mary Schultz who started on January 1, 2012.

**City Civil Attorney – M. O’Brien** – Attorney O’Brien introduced Resolution 12-01 Annual Designations and Appointments. Mayor Pampusch made one correction on the Resolution changing the name for both Tom and Mary “Winter” to “Winters”. **Motion by Councilmember Bullard, Seconded by Councilmember Peterson to adopt Resolution 12-01. Passed 5-0.**

Mayor Pampusch reviewed the action before the Council for **Chet’s Drive-In Liquor Compliance Check Violation**. She said we had discussion at the last Council meeting about their violation of selling liquor to an under-age person. In the meantime the Council had instructed former Clerk Stafne to send a letter to Chet’s informing them they would be involved in a civil penalty due to a violation of the City Ordinance. The crux of the matter was whether Chet’s was part of the Best Practices Policy because violations are treated differently based on participation or lack of participation in this program. City Clerk Schultz said she had received a message from the Mendota Heights Police Dept. saying they had no record of Chet’s being part of the Best Practices Program during 2011.

Christine Hagstrom introduced herself to the Council as the new manager of Chet’s and explained there was a lapse in management which is why there was no Best Practices followed in 2011, but that it is her intention to get involved in this program for 2012. Attorney O’Brien said since they were not using Best Practices in 2011, the potential civil penalty is a \$1,000 fine and a

3-day suspension of their license. O'Brien went on to explain the process involved in seeking suspension. Chet's owner Tom Voss spoke and said even though they had a previous violation in 2009 they were following Best Practices at that time so were just fined \$500.

Councilmember Peterson proposed a fine of \$1,000 and suspend \$400 of it and not suspend their license if they would participate in Best Practices going forward. **Councilmember Peterson moved that if they sign up and complete Best Practices and have no further violations in 2012 the fine would be \$600 and no suspension of their license. But if they do have a violation the fine will be \$1,000 along with suspension of their license.** There was then discussion by the Council on the amount of the fine. **Councilmember Diehl amended the previous motion to make the fine be \$750 and no suspension of the license with the condition there is no violation in 2012 or 2013 and the Best Practices are implemented immediately and continued in 2013. Motion was seconded by Councilmember Bullard. Councilmember Lundberg opposed. Passed 4-1.**

**City Criminal Attorney** - Tom Lehmann was absent so Attorney O'Brien said the only outstanding criminal issue is about Moose Country and as far as he knows nothing further has been decided. Chief Aschenbrener concurred with this.

**Office Equipment** - Councilmember Bullard updated the Council on the status of the printers and computers in the City Hall office. He said the office has three printers. Two of these are color laser and up until now all three were non-commercial printers which the City owns. But due to high costs for repairs and toner cartridges he felt justified in leasing a commercial laser color jet printer/all-in-one from Metro Sales and that it would result in a \$100 to \$150 a month savings a month in printer expenses. He also said we currently have three computers in the office which are all networked to a router and range in age from two to four years.

**Building Official Report** – David Neameyer said activity has been light. He has been busy closing out files where people forget to call for final inspection. The foundation for the Senior Living Center is now 99% completed and the garage has been started. The expected opening is scheduled for next Fall.

**Chief of Police Report** – Chief Aschenbrener said he had no formal report but he has met with Attorney Black on the Moose Country liquor license violation and trying to come to a resolution on it. He noted there have been some break-ins and robberies, not in Lilydale, but further up on Victoria Road. He explained how they are using rewards to produce results.

**Clerk's Report** – Clerk Schultz went over the revenue and expense sheets and reconciled bank statements. She also showed the Council the Financial Statement for 2011 which was prepared by former Clerk Stafne. It was unclear to the Council what the actual purpose of the Financial Statement report was, so Mayor Pampusch asked Clerk Schultz to get more explanation from Stafne about what the report was for and the significance of the numbers and get back to the council by email. **Motion by Councilmember Diehl, seconded by Councilmember Peterson**

**to approve the Revenue and Expense Budget Report and the City of Lilydale Financial Statement. Passed 5-0.** (Note: Clerk Schultz followed up with the Council by email on January 13, 2012.)

Clerk Schultz reported on the New York Chinese Restaurant. She said Jim Lee, Fire Marshal, visited the restaurant and noted several fire code violations of an electrical nature. The restaurant has been given until January 31, 2011 to make the corrections.

**Other Business**

Attorney Mike O'Brien brought up Resolution 11-29 which was passed at the last Council meeting that established an alcohol license at \$1,500. There was question as to how the wording would come out. It says the license fee for license holders offering alcohol for sale on an average of less than 26 hours per week shall be \$1,500. The Resolution was now complete and was presented for the Mayor's signature.

There being no further business the meeting adjourned at 5:45 p.m.

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Lois Owen, Administrative Assistant

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Mary Schultz, City Clerk/Administrator