

LILYDALE CITY COUNCIL MEETING
August 12, 2013

Present: Mayor Anita Pampusch; Council Members Bob Bullard, John Diehl, Marilyn Lundberg, and Warren Peterson; City Civil Attorney, Mike O'Brien; Chief of Police, Mike Aschenbrener; Building Official, David Neameyer; Criminal Attorney, Tom Lehmann; City Clerk, Mary Schultz and Administrative Assistant, KimberLee West.

Also Present: Head of Academy of the Visitation, Dawn Nichols; City Planner, Tina Goodroad; Planning Commissioners Don Campbell, Roxanne Sands and Tom Swain. Holiday Station Stores, Michael Cronin; Intern for Mendota Heights Police Department, Dan Husbands; Ramsey County Tobacco Coalition, Katie Engman and Alyssa Leizinger.

The City Council Meeting was called to order at 4:32 p.m. by Mayor Pampusch. The Pledge of Allegiance was recited.

Agenda - Motion by Councilmember Bullard, seconded by Councilmember Lundberg to approve the agenda. Passed 4-0. (Councilmember Diehl was absent for the vote.)

The City Council meeting was recessed for a Planning Commission meeting at 4:33 p.m.

Councilmember Diehl arrived at 4:50 p.m.

At 5:32 p.m. the Planning Commission meeting adjourned and the City Council meeting resumed.

Minutes – Motion by Councilmember Diehl, seconded by Councilmember Lundberg to approve the July 8, 2013 City Council Meeting minutes. Passed 5-0.

A Public Hearing on the Proposal for the Issuance of an Educational Facility Revenue Note for the Academy of the Visitation opened at 5:34 p.m. No public comments were made.

The Public Hearing was closed at 5:35 p.m.

Resolution 13-11 Preliminary Approving the Issuance & Sale of Educational Facility Revenue Bonds, Series 2013 (Academy of the Visitation Project) - Motion by Councilmember Peterson, seconded by Councilmember Diehl to approve Resolution 13-11. Passed 5-0. Clerk Schultz stated a resolution for final approval of the Note will be on the agenda for the September 9, 2013 City Council Meeting.

Civil Attorney Report - No report.

Criminal Attorney Report – No report.

Building Official Report – David Neameyer reported there were five permits issued and five closed in the month of July.

Police Report - Chief Aschenbrener introduced summer intern Dan Husbands who has been working on a tobacco ordinance update for the City of Mendota Heights. The ordinance could also be used in Lilydale, since our existing ordinance is only one sentence, which is as follows: "Cigarette Sales. No person shall directly or indirectly, or by means of any device, keep for retail sale, sell at retail or

otherwise dispose of any cigarettes or tobacco at any place within the City unless a license therefor is obtained in accordance with this chapter." Chief Aschenbrener stated having a local ordinance aids enforcement of the state law. Husbands, along with Katie Engman and Alyssa Leizinger from the Ramsey County Tobacco Coalition, explained the different types of tobacco products for sale. The Council offered feedback on the Ordinance. No action was taken.

Planning Commission Recommendation Regarding Update for Sign Ordinance – Planning Commissioner Diehl, reporting as acting chair, requested the minutes to show that all City Council Members were present for the Planning Commission meeting held at 4:30 p.m. today. Commissioner Diehl stated the Planning Commission recommends the City Council adopt Ordinance 13-02 as amended during the preceding Planning Commission meeting.

Ordinance 13-02 Amending Chapter IX, Building and Land Use Regulations, Part 3, Zoning Ordinance Related to Signage - Motion by Councilmember Bullard, seconded by Councilmember Diehl to approve the Planning Commission's recommendations and approve Ordinance 13-02 as amended. Councilmember Peterson stated there is no justification in limiting electric changeable copy signs to convenience stores and for that reason he objects. Councilmember Lundberg suggested they wait to vote on the Ordinance until September to allow more time to study the changes and review a clean copy of the document. **Motion by Councilmember Diehl, seconded by Councilmember Lundberg to table approval of the Ordinance to the September city council meeting. Passed 5-0.**

Summary of Ordinance 13-02 - Mayor Pampusch says she feels the Summary Ordinance doesn't say enough. No action was taken since Ordinance 13-02 did not get approved.

Ordinance 13-03 Interim Ordinance Placing Temporary Moratorium on Massage Parlor Businesses in the City and Directing a Study to be Conducted - Attorney Tom Lehmann has drafted a moratorium ordinance to allow the city to study the issue of massage parlor businesses in the city without the pressure of time generated by pending applications. The ordinance was prompted by incidents that occurred at Newport Massage of Lilydale (located in the River Bluffs Center) resulting in the filing of two criminal complaints including a disorderly house. Newport Massage's business license has not been revoked; however, it has been reported that the business is no longer in operation. Attorney O'Brien stated the business owner has a right to a hearing before a license revocation can take effect. **Motion by Councilmember Lundberg, seconded by Councilmember Bullard to approve Ordinance 13-03. Passed 5-0.**

Motion by Councilmember Diehl, seconded by Councilmember Bullard to have Attorney O'Brien send a license revocation notice to the owner of Newport Massage. Passed 5-0.

Application from SouthEast Therapeutic for a Massage Business License - The city received an application from SouthEast Therapeutic for a massage business license. SouthEast Therapeutic would be located in the suite formerly occupied by Newport Massage of Lilydale. Attorney O'Brien sent a letter to the applicant dated July 26, 2013, advising her that the city council would be considering a moratorium on the granting of applications to conduct massage businesses within the city limits at a meeting on August 12, 2013. The applicant was encouraged to attend the meeting. Clerk Schultz noted the applicant was not present at today's meeting. Mayor Pampusch says given the adoption of Interim Ordinance 13-03, SouthEast Therapeutic Massage will not be granted a license. **Motion by Councilmember Lundberg, seconded by Councilmember Diehl to deny the license for SouthEast Therapeutic Massage. Passed 5-0.**

Mississippi River Critical Corridor Area Rule Writing Process Update – Councilmember Lundberg says the League of Minnesota Cities and the DNR met with cities along the Mississippi River to discuss

resumption of the rulemaking process for the MRCCA as a result of legislation passed this spring. A meeting will be scheduled with the DNR and Lilydale city officials for sometime in September. Councilmember Lundberg encouraged the other council members to attend.

Clerk's Report – Clerk Schultz presented the July financial reports and a draft of the 2014 budget. Clerk Schultz recommended the city establish a late payment fee for delinquent sewer and stormsewer bills. Councilmember Bullard agreed with Schultz's recommendation. **Motion by Councilmember Bullard, seconded by Councilmember Peterson to approve the July financial reports. Passed 5-0.**

Mayor's Report – Mayor Pampusch says a Bluff forum will be held October 10, 2013. She also reported Town Square Television has had a problem with Comcast and legal actions have been taken against Comcast. Councilmember Peterson, a Lilydale representative to the Cable Commission, added some comments about the resolution of the dispute. Lastly, Lilydaze planning is continuing.

There being no further business, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

Mary Schultz, City Clerk

Final copy reviewed by:

Anita Pampusch, Mayor

Date