

**LILYDALE CITY COUNCIL MEETING  
OCTOBER 14, 2013**

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

**Also Present:** Planning Commissioner Jim Maher; Ramsey County Tobacco Coalition, Emily Anderson and Betsy Brock; Visitation School, Dawn Nichols and Dick Davern, and from MN DOT, Jon Solberg.

**Absent:** None

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 Lundberg, seconded by Councilmember Diehl to approve the agenda. Passed 5-0.

**Minutes:** Councilmember Diehl suggested the following changes be made to page two of the September 9, 2013 meeting minutes regarding the zoning ordinance related to signage.

1. Fifth paragraph, change "rational" to "rationale".
2. Sixth paragraph, the motion to adopt Ordinance 13-02 changed to "...as amended with the following statement of rationale to be incorporated in the minutes...".
3. In the heading, Convenience Store Signs Statement of Rational, the word "Rational" be changed to "Rationale".
4. Seventh paragraph, insert a comma after the word "language".
5. Eighth paragraph, change the last sentence to "...a question has arisen as to whether there is a legally sustainable rational basis to distinguish advertising by "convenience stores" vs. other business".
6. Last paragraph on page two, strike "I believe" and replace it with "The Council finds".

**Motion by Councilmember Diehl, seconded by Mayor Pampusch to approve the September 9, 2013 City Council Minutes as amended. Passed 5-0.**

**Commendation of Officer Tanner Spicer** - The City Council recognized Officer Tanner Spicer for his outstanding service with the following Commendation Resolution. *The City of Lilydale hereby commends Officer Tanner Spicer for his exceptional performance in saving a person from his intended suicide; and congratulates Officer Spicer for the receipt of the Dakota County Chief of Police Association Award of Honor for his outstanding performance.* Officer Tanner was not present at the city council meeting, but a certificate will be sent to him. **Motion by Councilmember Diehl, seconded by Councilmember Lundberg to recognize Officer Tanner for his service. Passed 5-0.**

**Civil Attorney Report** - Attorney O'Brien distributed updated pages on the sign ordinance to be inserted into the City Code book.

**Criminal Attorney Report** – Attorney Lehmann is working on a massage ordinance that he will present at the November council meeting. Lehmann noted the massage parlor has a "closed" sign posted. Chief Aschenbrener added the massage parlor has been patrolled and no activity has been observed.

**Building Official Report** – Building Official Neameyer reported 15 permits were closed in the month of September.

Last week, at the request of the homeowner, Neameyer made a site visit to the owner's Colony townhome to look at her cantilevered balcony that had collapsed. He expressed concern with the situation and stated it is

reasonable to assume that if there is a problem with one balcony, there is likely a problem with the rest of them. Neameyer noted it is not a bluff issue, but rather a building issue. A certified letter will be sent to each homeowner, as well as the Colony Association, stating effectively immediately all exterior balconies are prohibited from being used. Residents will be required to have a licensed structural engineer inspect their balconies and provide a written report to the City. Within 60 days of the date of the notice, any balconies determined to be unsafe must be temporarily secured, and within 90 days the structure must be abated by repair, rehabilitation, demolition or removal.

**Police Report** – No report.

**Resolution 13-14 Approving Issuance & Sale of Educational Facility Revenue Bonds (Academy of the Visitation Project) Series 2013A & Series 2013B** – The revenue bond was presented by Mayor Pampusch for final approval. **Motion by Councilmember Lundberg, seconded by Councilmember Bullard to approve Resolution 13-14. Passed 5-0.**

**Resolution 13-15 Emergency Management Mutual Aid Agreement** –The Emergency Management Mutual Aid is an agreement between the City of Lilydale and Dakota County to improve the capacity of government entities to respond to natural and other disasters or emergencies occurring within Dakota County. **Motion by Councilmember Diehl, seconded by Councilmember Peterson to accept the Emergency Management Mutual Aid Agreement. Passed 5-0.**

**Temporary Easement Request for Permit to Construct** – Jon Solberg from MnDot is asking the City of Lilydale for the ability to access a stormwater easement southwest of the Colony townhomes. MnDot would like to replace the 18 inch pipe that is currently there with a 24 inch pipe. This is a step in the 2015 Highway 13 Project. The council asked Solberg to change the wording in the temporary easement request from “highway purposes” to “stormwater purposes”. **Motion by Councilmember Diehl, seconded by Councilmember Lundberg to pass the permit with the amendment and to authorize the City Clerk to sign the permit. Passed 5-0.**

**Tobacco Ordinance** – Chief Aschenbrener presented the City Council with a draft of a tobacco ordinance that he has been working on along with Attorneys Lehmann and O’Brien. The purpose of this ordinance is to prevent anyone under the age of 18 from buying tobacco related devices. Betsy Brock and Emily Anderson from the Ramsey County Tobacco Coalition noted this ordinance will prevent smoking lounges from establishing themselves in Lilydale. Mayor Pampusch stated a local business has concerns that this ordinance will put them out of business. Attorney O’Brien reported there have only been verbal concerns expressed by Perfect Ash, nothing in writing. Council members suggested the following changes to the draft ordinance.

1. Page 9, item 4., delete the word “loose tobacco” and add “cigars and pipe tobacco”.
2. Page 3, item C., the word “shall” should not be stricken.
3. Page 7, item B., the word “Other” should be removed.

Lilydale will wait to see what changes the Mendota Heights city council makes to the ordinance before proceeding. Mayor Pampusch asked Attorney O’Brien to contact Perfect Ash to be sure the council is accepting and prohibiting the appropriate things.

**Clerk’s Report** – Clerk Schultz presented the September financial reports. Schultz recommended holding November’s City Council Meeting on the second Tuesday in November due to Veterans Day on the regular meeting date. Clerk Schultz will post a notice of the meeting date change. Councilmember Peterson asked if Clerk Schultz could do an analysis report of the excess cash the city has. Councilmember Lundberg would like to see a report on the net of the bond issuances. Clerk Schultz will provide that information. **Motion by Councilmember Bullard, seconded by Councilmember Diehl to approve the September financial reports. Passed 5-0.**

**Motion by Councilmember Lundberg, seconded by Councilmember Bullard to change the November City Council Meeting to the second Tuesday in November. Passed 5-0.**

**Mayor's Report** – Mayor Pampusch thanked those who helped set up and take down everything for Lilydaze. She noted the 0.5 K walk was fun although there was not a huge crowd because of the rain. The photo contest was a success with over 50 entries. She also says that an assessment will be made as we plan for next year.

Approximately 50 people were in attendance at a meeting on October 10,2013 to hear about bluff management from Great River Greening. Councilmember Diehl suggested forming a charity to appropriate funds to support managing the bluff area. Mayor Pampusch asked Clerk Schultz to contact Great River Greening to find out what they recommend as the city's next step. Several of those in attendance signed up to be part of a steering committee on bluff management.

There being no further business, the meeting was adjourned at 6:20 p.m.

Respectfully submitted:

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Mary Schultz, City Clerk

Final copy reviewed by:

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Anita Pampusch, Mayor