

LILYDALE CITY COUNCIL MEETING
May 13, 2019

Present – Mayor Warren Peterson; Council Members John Diehl, Lyle Hanzal, William Kleinman and Anita Pampusch; Mary Schultz, City Clerk and Kathy Mutch, administrative assistant.

Also Present –Mike O’Brien, attorney; Mike Andrejka, building official; Police Captain Wayne Wegener; Ed Iago, West St. Paul Beyond the Yellow Ribbon; Mary Montagne and Kate Ebert, Dakota County Public Health; Elyse Less, Minnesota Tobacco-Free Alliance; Shinaah Thao, Hmong American Partnership; Shawn Milligan, Holiday Gas; Adam Kintopf, ClearWay Minnesota; Jack Folkman, student at St. Thomas Academy and Lilydale resident; Brandon Hanson, student at Heritage Middle School; Robert Hanson, Henry Sibley ALMAS and Reuben Vizelman, student and Lilydale resident.

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

Agenda – Moved by Councilmember Diehl and seconded by Councilmember Hanzal to approve the agenda with the addition of Beyond the Yellow Ribbon. Motion carried 5-0.

Public Comments – None.

City Council Minutes - Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to approve the April 8, 2019 City Council Minutes. Motion carried 5-0.

Building Official Report - Mike Andrejka, building official, reported three permits were issued and two closed in April.

Police Report – Captain Wegener reported the water is receding and the Pool & Yacht Club is open although the road remains closed.

Attorney Report – Mike O’Brien indicated the Lilydale Code Book has been updated. He asked council members to bring in their code books to have their book updated.

Beyond the Yellow Ribbon – Ed Iago, business liaison officer for Beyond the Yellow Ribbon (“BTYR”) in West St. Paul addressed the council. Beyond the Yellow Ribbon is a state-approved designation for communities who meet the requirements set by the State of Minnesota. BTYR unites past and present veterans and their families; identifies needs and fills in gaps in services to support area veterans. He noted 24,000 veterans and their families reside in Dakota County and the need continues to grow. Funding comes from the county with additional funding received from private donations and fundraising.

Lilydale, Mendota and Mendota Heights were invited to join the West St. Paul network to create a broader service area for veterans and their families in Dakota County.

Mayor Peterson questioned how BTYR is publicized and Mr. Iago explained through the Veterans Affairs, the city of Mendota's VFW, the national website and could be posted on the city of Lilydale's website.

Moved by Councilmember Diehl and seconded by Councilmember Pampusch that the City of Lilydale become an affiliate of Beyond the Yellow Ribbon. Motion carried 5-0.

Public Hearing on Variance Request at 971 Sibley Memorial Hwy. – Phil Carlson, city planner, stated Partners OB GYN and its attorney have been given an additional 60 days for a final decision on its variance request, until late June as they continue discussing other signage options with the building owner that may not require a variance.

Councilmember Diehl expressed interest in being involved with a signage discussion and understanding the ownership structure of the commercial properties. Phil Carlson talked about the current zoning code regarding signage for the 971 Sibley Memorial Hwy. building.

Mike O'Brien will look into the PUD governing the Stonebridge Commercial Association.

Moved by Councilmember Diehl and seconded by Councilmember Hanzal to authorize the city clerk to look into, research and engage in discussion with building owners in the Stonebridge Commercial area and and report back to the council. Motion carried 5-0.

Ordinance 2019-1 – Amending Chapter 5 of the City Code Related to Tobacco - The ordinance presented mirrors the ordinance adopted by the City of Mendota Heights. The proposed ordinance updates Lilydale's tobacco ordinance to conform with state law and best practices, would raise the tobacco sales age from 18 to 21, and restricts the sale of all flavored tobacco products, including menthol, in Lilydale retail establishments.

Several community members and health officials addressed the council:

Mary Montagne, Dakota County Public Health, in support of the ordinance, provided statistics from a 2017 youth survey noting tobacco is the #1 cause of death. Smoking has increased by 78% from 2017 to 2018 and in Minnesota 1 in 5 smokers use e-cigarettes.

Adam Kintopf, ClearWay Minnesota, in support of the ordinance noted 31 cities in Minnesota have passed raising the smoking age to 21 and its goal is for Minnesota to pass it statewide.

Jack Folkman, student and Lilydale resident, finishing his junior year at St. Thomas Academy, talked about increased vaping and smoking by students at his school. Administration and staff are addressing the smoking in school and have brought in guest speakers.

Brandon Hanson, student at Heritage Middle School in West St. Paul, agreed with the other students who spoke and has not seen students vaping at Heritage.

Gene Nichols, Ramsey County Health Advisory Committee, and a member of the African American Leadership Forum reported 84% of African American smokers smoke menthol. He lost a brother to COPD and urged the council to adopt the ordinance.

Shawn Milligan, district manager at Holiday Stationstore, stated Holiday Stationstore is a responsible retailer and does not sell to minors. He acknowledged vape products are sold at the store and confirmed about 50% of the store’s sales, excluding gas, is tobacco.

Shinaah Thao, professor and Lilydale resident, has students who smoke and asked the council to support the resolution.

Reuben Vizelman thanked the councilmembers for their leadership and for improving the health of the community by considering a law to restrict flavored tobacco products.

Moved by Councilmember Hanzal and seconded by Councilmember Kleinman to adopt Ordinance 2019-1, Amending Chapter 5 of the City Code Related to Tobacco.

Councilmember Diehl stated his support for raising the tobacco sales age to 21 and restricting the sale of flavored tobacco products but proposed an amendment to Sub. 504.02 Definitions and Interpretations to exclude flavored products, “other than menthol cigarettes and mint or wintergreen chewing tobacco”. Motion was not seconded and Councilmember Diehl withdrew his amendment.

Motion carried 5-0.

Mike O’Brien explained the ordinance will not be in effect until it is published. The council concurred on publishing a summary of the ordinance. O’Brien will have the summary ready by the June meeting.

Lilydale 2040 Comprehensive Plan Update – The 2040 comprehensive Plan has been updated to address the items found incomplete by the Met Council review.

Mayor Peterson questioned the Land Use Plan, specifically as it relates to redevelopment of the River Bluffs Center site. City Planner Carlson proposed rewording to address future redevelopment. **Moved by Councilmember Diehl seconded by Councilmember Hanzal to adopt the amendment to the Mixed Use land use category as presented by the city planner. Motion carried 5-0.**

Moved by Councilmember Diehl and seconded by Councilmember Kleinman to re-approve the corrected and updated 2040 Comprehensive Plan and submit the Plan to Met Council. Motion carried 5-0.

Clerk’s Report – Clerk Schultz reviewed the April 2019 deposits and disbursements. **Moved by Councilmember Hanzal and seconded by Councilmember Pampusch to approve the April financial reports. Motion carried 5-0.**

Adjournment –There being no further business, Mayor Peterson adjourned the meeting at 6:25 p.m.

Respectfully submitted:

Final copy reviewed by:

Mary Schultz, City Clerk

Warren Peterson, Mayor

Date