

MINUTES
Regular Meeting of Lake Shore City Council
Monday, June 25, 2012
7:00 PM Lake Shore City Hall

Mayor John Terwilliger called the June 25, 2012 Regular City Council meeting to order at 7:00 p.m. The pledge of allegiance was recited.

Roll Call: Mayor John Terwilliger. Council Members present: John Bukovich, Susan Amacher, Doug Miller and John Poston. City Attorney Steve Qualley; City Engineer Dave Reese; Police Chief Steve Sundstrom; City Administrator/Planning and Zoning Administrator Teri Hastings; Public Works Jim Thomes and City Clerk Patti McDonald were present. There were 4 people in the audience.

APPROVAL OF MINUTES

MOTION BY DOUG MILLER TO APPROVE THE APRIL 23, 2012 MINUTES AS PRESENTED. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

REPORTS

Police/Fire Report – Chief Steve Sundstrom said that the 2007 Yukon that was in the impound behind city hall is now the property of Lake Shore. It has 70k miles. It is worth about \$20,000.00. He will put a for sale sign on it and place in the front of city hall. Steve asked for approval to work with one council member to finalize the sale of the vehicles for sale. Steve Qualley said it takes the councils formal approval to accept the final sale. Teri suggested a special meeting could be called.

Donation – National Child Safety Council – The Cass County Sheriff's Office is in the process of organizing their child safety and drug education program for children and their parents. This is the 13th year for this very worthwhile program. They are asking for a donation to help provide safety materials and services for the program.

MOTION BY JOHN BUKOVICH TO DONATE \$115.00 TO HELP OFFSET THE COST OF THE NATIONAL CHILD SAFETY PROGRAM SPONSORED BY CASS COUNTY SHERIFF'S DEPARTMENT. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Resolution for Toward Zero Death for 2012 – 2013 – Toward Zero Deaths runs from October 1, 2012 to September 30, 2013.

MOTION BY JOHN BUKOVICH TO ADOPT RESOLUTION NUMBER 2012-06-01 TO APPROVE THE LAKE SHORE POLICE DEPARTMENT TO PARTICIPATE IN THE TOWARD ZERO DEATHS FROM OCTOBER 1, 2012 TO SEPTEMBER 30, 2013. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Incident Report – From May 21, 2012 to June 24, 2012 there were 245 incidents in the city. There were 151 traffic-related incidents and 94 were miscellaneous department activity.

Mayor's Report– John Terwilliger

Clerk/Treasurer's Report – Patti McDonald

MOTION BY DOUG MILLER TO APPROVE THE FINANCIALS AS PRESENTED. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Approval to Transfer from General Fund to Capital Improvement Fund – Council action is needed to transfer funds from the General Fund to a new Capital Project Fund – Street Improvement. The purpose of the transfer would allow for the payment for the 2012 Road Improvements.

MOTION BY JOHN BUKOVICH TO TRANSFER \$194,072.01 TO THE CAPITAL PROJECT FUND – STREET IMPROVEMENT TO ALLOW FOR THE PAYMENT OF THE 2012 ROAD IMPROVEMENTS. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Tobacco Application for Bar Harbor – Bar Harbor has submitted proper application to sell tobacco.

MOTION BY SUSAN AMACHER TO APPROVE A TOBACCO LICENSE FOR BAR HARBOR. JOHN BUKOVICH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Approval of Election Judges – The State of Minnesota primary election is August 14, 2012. Seven people have agreed to attend training to be an election judge for the City of Lake Shore. They are Carol Greaves, Jo Quam, Ginny Ross, Robert Toborg, Dick Miles, Judy North and Mary Toms. We need five people at city hall throughout the day. By appointing seven people, this would allow for breaks, lunch and replacement if someone were unable to be here.

MOTION BY SUSAN AMACHER TO APPOINT THE SEVEN ELECTION JUDGES FOR THE AUGUST 14, 2012 PRIMARY ELECTION AS PRESENTED. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

City Administrator/Planning & Zoning Administrator – Teri Hastings

Waiver of Tort Liability – Our insurance carrier is requesting that the City Council act annually on whether or not it would like to waive tort liability limits.

MOTION BY DOUG MILLER TO NOT WAIVE THE STATUTORY TORT LIABILITY COVERAGE LIMIT AND SUBMIT THE PROPER WAIVER FORM TO WEIZENEGGER/ENGEL INSURANCE TO FORWARD TO LMCIT. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Resolution Approving Gambling (Pull-tabs) at Sherwood Forest Tavern – The Crossing Arts Alliance is requesting the Lake Shore City Council to adopt a resolution to allow pull-tabs on their behalf at Sherwood Forest Tavern.

MOTION BY JOHN BUKOVICH TO ADOPT RESOLUTION 2012-06-02 TO ALLOW THE CROSSING ARTS ALLIANCE TO SELL PULL-TABS AT SHERWOOD FOREST TAVERN. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

EDC Activity Report – The Cass County EDC activity report was included for review.

May Minutes and Permit Summary – Teri included the May minutes and permit summary for review.

Wastewater/Road Committee – John Bukovich referred to Jim Thomes and he said the committee met and are recommending that the city council allow WSN to move forward with a feasibility study. The was brought forward by a petition of landowners along 72nd Street; the project will be a shared project with Loon Lake Township, but the feasibility study will be for Lake Shore.

72nd Street – Request to prepare cost estimate for feasibility report – The Wastewater Road Committee met on June 19th and are recommending that the City Council to allow WSN to move forward with an engineering proposal for feasibility study of road improvements to 72nd Street. WSN submitted a proposed scope of the services for the feasibility study which would not exceed \$2,800.00.

MOTION BY SUSAN AMACHER TO ALLOW WIDSETH SMITH NOLTING TO MOVE FORWARD WITH AN ENGINEERING PROPOSAL FOR FEASIBILITY STUDY OF ROAD IMPROVEMENTS FOR 72ND STREET CONTINGENT UPON THE DECISION APPROVAL OF LOON LAKE TOWNSHIPS TOWN BOARD. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Jim Thomes said that there was discussion regarding drainage issues on Wienzel Point Road. He said that he has spoken with Teri Hastings and Kelly Condiff from Cass County Soil and Water Dept. to see if a Rain Garden is feasible for the drainage. Jim had to have the water evaporate and/or drain away to do locates for Kelly to look at the problem area. Dave Reese said that there was discussion for filtered drainage if a Rain Garden doesn't work out. There are several drainage issues and washouts that the committee is discussing solutions for on a few more roads with problems. Jim is seeking bids for Class V to repair some of the roads. Susan Amacher asked why the crack sealing is lifting up on certain roads. The roads she is questioning are county roads. Teri contacted the county engineer to make them aware of that and a rather large pothole that they did come and fill.

April Minutes – The April minutes were included for review.

Park and Recreation Committee – John Poston said they did not meet in June.

Application for Committee Member – Larry Anderson – Larry Anderson submitted an application showing interest in serving on the Park and Recreation Committee.

MOTION BY JOHN POSTON TO APPOINT LARRY ANDERSON TO THE LAKE SHORE PARK AND RECREATION COMMITTEE. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

May Notes from park walk through- The May notes from the park walk through were included for review.

Environmental Committee – Doug Miller said the committee did not meet in June; however, they did have a shoreline restoration tour on June 21st. They are still working with the Sherwood Forest Association to put Rain Gardens at the public landing at Sherwood Forest. The city and association are working on a contract/easement agreements before the project is started.

Personnel – John Terwilliger/Susan Amacher – There was no personnel business for the month.

City Attorney – Gammello, Qualley & Pearson – Steve Qualley

Settlement Agreement – Kirklin Matter – The adoption for the draft settlement agreement was presented to the city council.

MOTION BY DOUG MILLER TO APPROVE THE DRAFT SETTLEMENT AGREEMENT BETWEEN KIRKLIN AND THE CITY OF LAKE SHORE. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

City Engineer – Widseth Smith Nolting – Dave Reese wanted to confirm that the 72nd Street feasibility study is on hold until Loon Lake Township approves the project. Yes, and Jim will contact them for when their next township meeting is. The Mayor will attend that meeting.

OLD BUSINESS – There was no old business.

NEW BUSINESS – John Bukovich said that in February 2008 he had an incident with/because of his medication. He said that he had an incident this past Sunday and that his medication makes him do things that he is not aware that he is doing. He has been to the VA and is working with them to help get his medication under control. He said that it is an embarrassment to him, his family and probably the city. He said that if the council wants him to step down he will. The Mayor said that he talked with John in 2008 and knows that the medication he is on has been known to work this way on people. John Poston said that it sounds like he is working in the right direction. Susan appreciates that John is being open about his problem. The Mayor's recommendation is that while John is doctoring with the VA and with a psychiatrist trying to work it out they will support his treatment process. There was no formal recommendation made by the council.

ANNOUNCEMENTS/PUBLIC FORUM – Teri received an email to be read into the record and filed in Rardin Construction's city file from Earl North (8679 Nottingham Road) regarding an incident during the crack sealing done by Rardin Construction on city streets. Jim Thomes said that he did talk to John Rardin and he understood that Rardin was going to pay for Earl's bill from Nisswa Auto.

MOTION BY DOUG MILLER TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 30627 THROUGH 30701 - TOTAL \$69,654.88). JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY SUSAN AMACHER TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF JUNE 25, 2012 AT 7:47 PM. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk