

MINUTES
Regular Meeting of Lake Shore City Council
Monday, September 27, 2010
7:00 PM Lake Shore City Hall

Mayor John Terwilliger called the September 27, 2010 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 and Doug Miller; 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. Council Member Lyle Kline was absent. There were 6 people in the audience.

APPROVAL OF MINUTES

MOTION BY SUSAN AMACHER TO APPROVE THE SPECIAL BUDGET CITY COUNCIL MINUTES OF AUGUST 23, 2010 AS PRESENTED. JOHN BUKOVICH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY SUSAN AMACHER TO APPROVE THE REGULAR CITY COUNCIL MINUTES OF AUGUST 23, 2010 AS PRESENTED. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

REPORTS

Police/Fire Report – Chief Steve Sundstrom

Incident Report – From August 23, 2010 to September 26, 2010 there were 160 incidents in the City. There were 92 traffic-related incidents and 64 were miscellaneous department activity. The Mayor asked about the animal and theft complaints. The two animal complaints were one (tame) fox and an alpaca. Theft complaint was a vehicle that was returned and Steve couldn't recall the other.

Mayor's Report– John Terwilliger no report.

Clerk/Treasurer's Report – Patti McDonald

MOTION BY DOUG MILLER TO APPROVE THE FINANCIALS AS SUBMITTED. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Appoint Election Judges for November 2, 2010 General Election – The State of Minnesota general election is November 2, 2010. Six people have attended the required training to be an election judge for the City of Lake Shore including: Carol Greaves, Jo Quam, Robert Toborg, Ginny Ross, Dick Miles, and Mary Toms.

MOTION BY DOUG MILLER TO APPOINT THE ELECTION JUDGES THAT HAVE PREVIOUSLY SERVED AT THE 2010 PRIMARY FOR THE GENERAL ELECTION ON NOVEMBER 2, 2010. JOHN BUKOVICH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

City Administrator/Planning & Zoning Administrator – Teri Hastings

Quotes for Website Upgrades – Currently, our website is pretty generic. Our goal is to have a website that captures the essence of Lake Shore while improving communication with our residents. We have found that the website is utilized by snowbirds to keep in touch with local happenings. We would like to

have our newsletter posted on the website along with archiving minutes. In addition, we would like to have a site that city staff can easily update.

Based on the two quotes that were received city staff prefers to utilize Bridge-Light. Midwest Captions has a fee of \$137.50 per copyright page, which could significantly increase the cost. Bridge-Light specifies the cost for 50 pages; therefore, the cost is set.

MOTION BY JOHN BUKOVICH TO ACCEPT THE WEBSITE QUOTE FROM BRIDGE-LIGHT AND USE THE FUNDS FROM CAPITAL OUTLAY THAT WAS SET ASIDE FOR SEWER SOFTWARE THAT WILL NOT BE PURCHASED. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED.

August Cass EDA Activity Report and Newsflashes – The August activity report and newsflashes were included for review.

June Minutes and August Permit Summary – The June minutes were included for review as there were no meetings in July or August. The August permit summary was included for review.

Wastewater/Road Committee – John Bukovich referred to Jim Thomes.

Request from WW/Road Committee to initiate Dettbarn Rd as an assessed road project – A signed petition was received from residents on Dettbarn Road and there were not enough to initiate the petition process. There are 8 residents with 5 of them signing. The first piece of property is not a buildable parcel; however, it is included in the assessment process. There is a parcel owned by the state that isn't included in the assessment. There should be 35% of the property owners in agreement to initiate the process. The Road committee is asking the Council to initiate the assessment process for road improvements. Teri said one party didn't sign the petition, but they aren't against the project. The assessment remains the same whether it is city or resident initiated.

MOTION BY DOUG MILLER TO MOVE FORWARD AND INITIATE DETTBARN ROAD IMPROVEMENTS. JOHN BUKOVICH SECONDED THE MOTION. MOTION PASSED WITH A 4/4THS APPROVAL VOTE.

Request for Council to have WSN prepare feasibility report for Dettbarn Rd – At the request of the Wastewater/Road committee WSN prepared a proposal of their services to include: WSN will prepare a map of the project area using existing City base mapping, copies of plats, aerial photos, and quadrangle maps as necessary. If the project moves forward to preparation of plans and specifications for bidding, survey work will be required to obtain topography, utility locations, and other existing conditions that are required for roadway design. If legal descriptions are needed for acquiring additional right of way or road easements, that work will be completed after design in accordance with our standard fee schedule. WSN will review right of way and design issues with City staff. WSN understands that Dettbarn Road is a maintained City roadway. Based on the specific issues involved with this roadway, a recommendation for the type of improvements will be made. Estimates of construction cost for these improvements will be prepared using bid prices that have been experienced on similar projects in this area over the past 1 to 2 years. WSN will review the equivalent lot method of assessing the improvements, and develop an estimate of what a typical assessment may be for this project based on the City's assessment policy. Upon direction from the Council, WSN will present the final results of the study to the public at a hearing ordered by the City.

MOTION BY JOHN BUKOVICH TO DIRECT WIDSETH SMITH AND NOLTING TO PREPARE A FEASIBILITY STUDY OF ROAD IMPROVEMENTS FOR DETTBARN ROAD. DOUG MILLER SECONDED THE MOTION. MOTION PASSED WITH A 4/4THS APPROVAL VOTE.

Landscaping on Lift Station #3 property and possible survey – Jim’s staff report indicated that the Wastewater/Road committee talked at length about the safety around lift station #3. The committee voted to ask the city to make a safe work area for employees. Kurt Rothwell Safety Assistance Program Coordinator for Minnesota Municipal Utilities Association also agreed that the landscaping is a hazard for anyone having to work in the area. It is the committee’s recommendation to remove all the landscaping in the area to a level surface.

Judd Kirklin was in the audience and said that the first time he was made aware of this is when Jim was taking pictures after he was injured. He said he wanted to update the area, but Jim wouldn’t agree each time he presented a landscaping plan. He said he was granted approval to have this landscaped 18-years ago. He would like to come up with a reasonable solution and provided a new version of his landscape plan. He said that he stopped at two other lift stations that appeared to not be safe. He said that he feels the committee’s treatment is arbitrate and capricious. Ray Rasinski said that part of the recommendation was for lack of information; he said there are no records to the agreement that Mr. Kirklin is talking about. City records were reviewed and nothing was found. Mr. Kirklin said that there were issues in 2002 and the landscaping was referenced in the motion to resolve the issue.

Dave Reese said he feels that this is a hazard. He said his opinion safety is paramount over aesthetics and that any person or employee working around this area is at risk at this time. He would like to see the actual agreement between Kirklin and the City. Teri said that the meetings were taped in 1992 and an agreement is on file that doesn’t mention the landscaping, just moving the electricity and control panel. In 2002 the landscaping was not part of the discussion with the user fee issue. Dave Reese said that the new drawing that Mr. Kirklin submitted wouldn’t suffice what Jim is asking for. Susan Amacher said that the employee safety has more value than aesthetics. The Mayor asked what it would take to make the property safe. Teri said that with the age of the wastewater system it tends to need more maintenance. Mr. Kirklin is insistent on the original agreement and wants to find a middle ground for a reasonable solution. John Bukovich said that safety is just too important to ignore. Doug Miller asked if it is removed down to the ground would there be anything left to aesthetics. Ray said that with everything flush to the ground the lift station could be painted to match area/grass color. Teri said a possible survey might be needed to find the property boundary. Dave said that it would be approximately \$900.00 for a complete certificate of survey.

MOTION BY JOHN BUKOVICH TO HAVE THE CITY REMOVE THE LANDSCAPING TO LEVEL OUT THE WORK AREA AT LIFTSTATION #3; NOTIFYING MR. KIRKLIN TO HAVE PLANTS REMOVED 30-DAYS FROM TODAY (9/27/10). SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY SUSAN AMACHER TO DIRECT WSN TO SURVEY THE CITY PROPERTY LOCATED ON WIENZEL POINT ROAD (90-349-0181). JOHN BUKOVICH SECONDED THE MOTION. MOTION PASSED.

August Minutes – The August minutes were included for review.

Cemetery Committee – Lyle Kline was absent. Jim said that he is going to purchase the 5 trees that are budgeted annually.

Park and Recreation Committee – Lyle Kline

Request Expenditure for Fishing Pier in Fritz Loven Park – John Poston brought a plan designed by Hy-Tec Construction for a fishing pier at Fritz Loven Park. The DNR had approved and will build structure around pier after pier construction has been completed. The park committee will utilize their donations

of \$1,100.00 and ask the council to approve an extra \$2,000.00 that is in the park budget to complete the Handicap Fishing Pier Project. John said that the pier would be dedicated to Vicki LaMere. Larry Anderson will donate the wood and his expertise to complete the dedication plaque. Susan Amacher asked about \$3,000.00 dedicated to Nisswa Park. Teri answered that the Lake Shore children get to have the same pricing as Nisswa children when participating the park and recreation opportunities in Nisswa.

MOTION BY JOHN BUKOVICH TO APPROVE \$2,000.00 OF THE PARK BUDGET TO BUILD THE FISHING PIER AT FRITZ LOVEN PARK. DOUG MILLER SECONDED THE MOTION. MOTION PASSED.

August Minutes – The August minutes were included for review.

Environmental Committee – Doug Miller said that Pat Rafferty is the chair of the committee and he has missed a substantial amount of meetings. Steve Qualley said that committee attendance is discretionary; it is not like a council position that is mandatory. Doug said it has created awkwardness as there isn't direction. The council directed the committee to use their discretion as to what should be done.

July Minutes – The July minutes were included for review.

Personnel – John Terwilliger/Susan Amacher

Annual Review – Jim Thomes – The personnel committee met with Jim Thomes for his annual review.

MOTION BY JOHN BUKOVICH TO APPROVE 12 ADDITIONAL HOURS OF VACATION AS JIM IS AT THE TOP OF THE STEP PAY SCALE. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED.

City Attorney – Gammello, Qualley & Pearson – Steve Qualley

Cartway Request – Glen Gustafson - Mr. Weaver could not make the September meeting and his council Mr. Goodrich is unable to make the October meeting. Mr. Qualley said the council could still move forward making the determination that Mr. Gustafson has proved that he has a parcel of land larger than 5-acres and doesn't have access. Mr. Goodrich is concerned that if Mr. Weaver is not present at the September 27, 2010 meeting that in no way will it prejudice the ability of Mr. Weaver to contest and present evidence to the City Council on any aspect of the Petition.

MOTION BY DOUG MILLER FINDING THAT GLEN GUSTAFSON HAS PROVED THAT HE OWNS A PARCEL OF LAND GREATER THAN 5-ACRES AND DOESN'T HAVE ACCESS TO THE ROAD. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED.

MOTION BY DOUG MILLER TO CONTINUE THE CARTWAY PETITION TO THE NOVEMBER 22, 2010 CITY COUNCIL MEETING. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED.

City Engineer – Widseth Smith Nolting – Dave Reese had nothing more.

OLD BUSINESS

Quote for Generator – A quote was received from Generator Power Systems for a Generac 20KW Generator and 20 amp transfer switch for a total price of \$9,313.00, which includes a \$500.00 gas line allowance. The government buildings capital outlay fund balance is \$9,584.67.

MOTION BY JOHN BUKOVICH TO PURCHASE THE GENERATOR AT THE QUOTED PRICE OF \$9,313.00 FROM GENERATOR POWER SYSTEMS TO COME OUT OF GOVERNMENT BUILDINGS CAPITAL OUTLAY. DOUG MILLER SECONDED THE MOTION. MOTION PASSED.

NEW BUSINESS

Liquor Ordinance Changes – Teri said that earlier this year there has been issues with noise and it was suggested to attach stipulations to the liquor licenses. The police officers feel like they are babysitting the establishment. Steve said he and another officer went to the complainant's house and they can hear the bass, but you can hear the boats and cars go by; which covers up the sound of the bass. The db levels have been kept at or under city ordinance. The council could establish a shut off time for outdoor music. John Bukovich suggested having the outdoor music shut down after 11:00 p.m. Steve said that he would like to include that the business should have to have all people off the premises one half hour after the establishment is closed. He also wants a cut off time for games, noise, and applauding, etc. could be shut off by 10:00 p.m. John Bukovich asked Steve Qualley if other cities attach stipulations to the liquor license. Yes, they do. Steve Qualley said that the establishments should be involved in the changes so they know what the rules are when it is passed. The Chief and Teri will work with Steve Qualley to draft up ordinance changes to the Liquor ordinance.

John Bukovich said that his neighbor's property is for sale. If it is sold the person that buys it loses the first pier. He suggested asking the townhomes to donate it to the city and a new fishing pier could be put there.

ANNOUNCEMENTS/PUBLIC FORUM – There were no announcements or public forum.

MOTION BY DOUG MILLER TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 28923 THROUGH 29045 - TOTAL \$78,658.04). SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED.

MOTION BY DOUG MILLER TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 27, 2010 AT 8:31 PM. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED.

Transcribed by Patti McDonald
Lake Shore City Clerk