

MINUTES
Regular Meeting of Lake Shore City Council
Monday, January 28, 2013
7:00 PM Lake Shore City Hall

Mayor John Terwilliger called the January 28, 2013 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: Susan Amacher, John Poston, Krista Knudsen and Doug Miller. City Attorney Steve Qualley; City Engineer Dave Reese; Police Chief Steve Sundstrom; Public Works Jim Thomes and City Clerk Patti McDonald were present. City Administrator/Planning and Zoning Administrator Teri Hastings was absent. There were 7 people in the audience.

APPROVAL OF MINUTES

MOTION BY JOHN POSTON TO APPROVE THE DECEMBER 17, 2012 REGULAR CITY COUNCIL MINUTES AS PRESENTED. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

REPORTS

Police/Fire Report – Chief Steve Sundstrom

Incident Report - From December 17, 2012 to January 27, 2013 there were 102 incidents in the City. There were 50 traffic-related incidents and 52 were miscellaneous department activity.

2012 Year End Report – There were a total of 1,672 incidents in 2012. That is a slight decrease from 2011 when we had 1,747 incidents. A copy of the complete details report is on file in the police department.

In 2012, burglary and property crimes continue to remain low. The department responded to 45 medicals, 94 alarms, 89 disorderly and disturbance type complaints, and 115 public assists. There were no structure fires and 3 vehicle fires.

The city has no fatalities or serious injuries on city roads. The department arrested 9 drivers for DWI and issued 217 traffic citations. The department responded to 38 vehicle crashes and 45 medicals. They issued 95 speed citations and warned 260 speeders. There were 15 citations issued for underage alcohol consumption. There were a combined total of 23 arrests made for various offenses.

The department participated with Cass County in *TZD (Toward Zero Deaths)* enforcement throughout 2012.

Mayor's Report– John Terwilliger

Appointments for 2013 – Mayor Terwilliger reviewed the changes for appointments for 2013. Krista Knudsen was appointed liaison to the Park and Recreation Committee and John Poston was appointed liaison to the Wastewater/Road Committee. The Planning Commission and the Environmental committee need alternates. The Park and Recreation committee needs members.

The Mayor read through the mail received. Crisis Line and Referral thanked the city for the \$300.00 donation. One from the MPCA for receiving annual report. Karen Walker sent an email stating her displeasure to the increase in the Sewer Fees of 25%.

MOTION BY DOUG MILLER TO APPROVE THE APPOINTMENT DESIGNATIONS FOR 2013 AS PRESENTED, WHICH WILL BE POSTED AT CITY HALL. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Clerk/Treasurer's Report – Patti McDonald

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

City Administrator/Planning & Zoning Administrator – Teri Hastings

Resolution Setting Fees for the City –

MOTION BY DOUG MILLER TO APPROVE RESOLUTION NUMBER 2013-01-01 SETTING FEES FOR THE CITY. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Noise Issue: Recommendation to Form Subcommittee – Susan read Teri's staff report which indicated the following: For the past few years the city has been dealing with noise issues from a local establishment. The Planning Commission met with the concerned party and discussed this issue at their January meeting. As a result of the meeting, it was decided to recommend to the City Council to establish a committee to determine if there was a possibility of resolving the matter.

Planning Commission members Dave Baldwin and John Ingleman volunteered to serve on the committee. The Planning commission felt two members of the Planning Commission, two members of the City Council, the owner of the establishment, the concerned party and Chief Sundstrom as well as Teri should make-up the committee.

Conducting a survey of surrounding properties to determine if there are any noise issues was discussed by the Planning Commission. It was decided to let the committee develop a survey once established.

Susan said there are two people on P&Z willing to be on the committee. John Poston and Krista Knudsen volunteered from the City Council. Steve Sundstrom will represent the Police department.

Lee Johnson from Zorbaz said that he is involved in the situation and stated that living on a channel brings noise. He said this time of year there are plenty of snowmobiles going by creating noise. They don't have outdoor music right now. He said in the summer that sometimes it's just the volume of people at Zorbaz. He said that one person complaining is setting precedence and feels it is a big mistake. He said the complainant should take it up with his realtor. He said that when cars go over the bridge they make noise, so do the boats going by with their music on. He said there is noise other than just Zorbaz; if they want solitude, being on the channel probably wasn't the right choice to purchase a cabin. Lee J said 85% of their business is in the summer months. He said that this is a personal issue.

Joe Newfield said that the boat noise is more of a problem and he said he chose to live in the townhomes across from Zorbaz. He doesn't agree with the creation of the committee.

Susan said that the Zirbes believe that they weren't heard correctly at the first P&Z meeting. They came to the council meeting to propose an ordinance change tying the noise issues to the liquor license and were overwhelmed with the turnout at the meeting.

Tim Moore applauds P&Z for putting this forward to start the committee. He said that other cities have limits for noise leaving their property. Tim said that the Zirbes' are not the only people that have a complaint about the noise at Zorbaz; he said there are other documented complaints. Tim likes the idea of the committee to solve a community problem. He said that Michelle Zirbes is asking that the city look at the current zoning ordinance and see how it's being applied.

Doug Miller said that if a committee is formed there needs to be a set of expectations that don't run amok. He said that Zirbes issue may be that they were sold a bill of goods from their realtor. He said that if the city's noise ordinance is not over burdening and reasonable, if Zorbaz and any other establishment is within the ordinance limits he doesn't see why they establish a committee.

Steve Qualley said that all the committee will do is making a recommendation to the council. Rather than at a city council or planning commission meeting they will meet to closely look at and discuss the issue at length. Doug Miller said that he doesn't want changes attached to anything else (i.e. the liquor ordinance). Steve Qualley said that city staff (Teri) can make the call if there will be more than one meeting if the committee is established. Doug Miller said that he has been to the Zirbes property to check the noise level with the Chief and John Poston and Zorbaz wasn't over the db level. John Poston said that he thinks that there should be a meeting that includes the Zirbes and Lee Johnson to have dialogue about the issue. Doug said that when he walks his dog late at night he hears cows and there are no cows around for miles. He said noise happens.

MOTION BY JOHN TERWILLIGER TO ESTABLISH THE COMMITTEE OF 8 THAT HAVE AGREED TO MEET AT LEAST ONCE TO DISCUSS THE NOISE ISSUE. JOHN POSTON SECONDED THE MOTION. MOTION PASSED. DOUG MILLER AND SUSAN AMACHER OPPOSED.

EDA Activity Report – The December EDC report was included for review.

December P&Z Minutes and Permit Summary / 2012 Year End Report – Teri provided the December minutes for review.

Teri provided the December permit summary for review. The year-end summary for 2012 included 7 dwellings; 0 relocation of dwellings; 5 residential additions; 21 accessory structures; 26 decks/porches/patios; 6 septic systems; 0 grading, 6 new commercial and no commercial additions and one sign for a total of 50 zoning permits for a valuation of \$3,284,970.00.

Wastewater/Road Committee – John Poston

Miller Lane – Road Damage – Jim Thomes said that Miller Lane was damaged during new construction of a home. Jim will work with Teri to write a letter to the contractor to fix the damage.

November Minutes – The November minutes were included for review. They discussed at that meeting to wait a year for any new road improvement projects as the roads are in satisfactory condition.

Park and Recreation Committee – Krista Knudsen – John Poston reported that the committee didn't meet in December. The Mayor said that the state VIP snowmobile trail ride is passing through Fritz Loven Park from Cragun's to the Nisswa Legion. They would like to take a coffee break at the park. Jim suggested making a camp fire for the group on February 8th.

Environmental Committee – Doug Miller said the committee didn't meet in December.

Trail 77 Team – John Poston/Susan Amacher - John Poston reviewed Teri's staff report explaining the proposed resolutions. Greg H with SEH explained that the most the city would allocate toward the grant request would be \$50,000.00. Steve Sundstrom said that Fund 73 dollars can be used for the matching funds. Susan Amacher said that there should be requests to local businesses for donations.

Tim Moore asked for clarification of the balance in the trail fund of \$147,000.00; he said that if it is a designated trail fund there shouldn't be an issue as long as it's not coming from the general fund. John Poston said that council approval is needed to expend that amount of funds.

Resolution Requesting to Submit for Two Trail Grants –

MOTION BY DOUG MILLER TO APPROVE RESOLUTIONS 2013-01-02 AND 2013-01-03 AS PRESENTED. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Resolution Supporting Reconstruction of CSAH 77 (Phase III of Trail) – John Poston explained the proposed plan for reconstruction of CSAH 77 is the area between Bar Harbor and just south of Sherwood Forest. This would be wider shoulders on the road. This project would lessen the total cost of the trail to the city.

MOTION BY DOUG MILLER TO APPROVE RESOLUTION 2013-01-04 AS PRESENTED. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Minutes from October 11, 2012 – John Poston said the minutes were included for review.

Personnel – John Terwilliger/Susan Amacher – There were no personnel issues.

City Attorney – Gammello, Qualley, Pearson & Mallak – Steve Qualley had nothing to report.

City Engineer – Widseth Smith Nolting – Dave Reese

Recap of 2012 – Dave said he sent the city a letter of recap for what services they provided in 2012.

OLD BUSINESS - There was no old business.

NEW BUSINESS – Steve Sundstrom said that the Lake Shore/Niswaw First Responders dissolved and the Niswaw Fire Department took over the services. The remaining First Responders money was donated to the Fire Department. Steve said it is working out well.

ANNOUNCEMENTS/PUBLIC FORUM – Allyn Dickie said he'd like to call attention to the Fleet Farm calendar that the January picture is from Fritz Loven Park. He appreciates that someone out of the city seeing the beauty of the park to submit it as one of the twelve months. He feels that the park should be promoted and showcased while submitting grants for Trail 77. He said it is mentioned that there would be a new park at the beginning of the trail. He said he would not have supported Legacy Funds to build sidewalks had he known that's what those dollars would be used for. John Poston said the first thing the trail committee is working on is getting the trail from the south end of town on 77 to the north end of town on 77; he would like to see it eventually make some connection to Fritz Loven Park. Allyn said he suggested in 2010 to widen the shoulders for the trail use; he also said that he suggested utilizing Lincoln Green Road for trail use. John Poston said that there has been discussion of widening the road for trail use. Allyn said that the residents are not getting the information regarding the trail. The Mayor said during one of his conversations with Allyn Dickie he suggested utilizing the county land just north of the park for trail use. He said the county is agreeable to this use.

MOTION BY DOUG MILLER TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 31210 THROUGH 31312 - TOTAL \$124,731.56). SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY DOUG MILLER TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF JANUARY 28, 2013 AT 8:16 PM. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk