

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

Mayor John Terwilliger called the September 23, 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; City Administrator/Planning and Zoning Administrator Teri Hastings; Police Chief Steve Sundstrom; Public Works Jim Thomes and City Clerk Patti McDonald were present. There were 6 people in the audience.

**APPROVAL OF MINUTES**

MOTION BY JOHN POSTON TO APPROVE THE SEPTEMBER 23, 2013 REGULAR CITY COUNCIL MINUTES AS PRESENTED. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**REPORTS**

**Police/Fire Report** – Chief Steve Sundstrom

Incident Report – From September 23, 2013 to October 27, 2013 there were 137 incidents in the City. There were 78 traffic-related incidents and 59 were miscellaneous department activity. Susan asked what a roadway hazard is. The Chief said this particular one was a tree down across the road.

**Mayor's Report**– John Terwilliger – Thursday at 10 a.m. is the kickoff meeting for the CSAH 77 road improvement project for city officials. They will start the plan of action and set a public hearing date for residents attend.

The Mayor read a letter from Crow Wing Power regarding the cooperative's municipal meter relief. The city has five meters that the cooperative relieves the monthly service fee; in 2013 the city saved \$840.00. In the past 18 years the city has saved over \$10,560.00 in meter relief.

Crow Wing County 4-H is requesting a donation for their awards and achievement recognition program in the amount of \$30.00.

MOTION BY SUSAN AMACHER TO DONATE \$30.00 TO THE CROW WING COUNTY 4-H AWARDS AND ACHIEVEMENT RECOGNITION PROGRAM. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**Clerk/Treasurer's Report** – Patti McDonald

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

Resolution to Certify Delinquent Sewer Accounts – As of October 1, 2013 there are three sewer accounts that are delinquent for a total of \$1,140.00 that can be certified to the tax rolls.

MOTION BY JOHN POSTON TO ADOPT RESOLUTION NUMBER 2013-10-01 TO CERTIFY THREE DELINQUENT SEWER ACCOUNTS TO THE CASS COUNTY AUDITOR IN THE AMOUNT OF \$1,140.00. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**City Administrator/Planning & Zoning Administrator** – Teri Hastings

Rezoning Request – Lee Wangstad – Teri's staff report indicated the following: The applicant has submitted a rezoning request that involves four vacant lots approximately 9 acres. Provided the rezoning is approved, the applicant is combining the lots to create two lots versus four. The property is currently

zoned R-1, Low Density Residential. The applicant is proposing to have the property rezoned to NC, Neighborhood Commercial. The minimum lot size for Neighborhood Commercial is 40,000 square feet with 20,000 square feet buildable; the same as the R-1 district.

The criteria for rezoning or classifying property are listed in Section 5.1 (6) A-P of the ordinance.

The zoning of the surrounding property is indicated on the attached map. The property located within the city limits is zoned residential and most of the property surrounding the subject property is held in single ownership however, there is some property held by ETOC (Grand View Lodge). The golf course and resort units are located within Nisswa.

The topography of the property consists of a berm on the south side (county highway side) and heavily wooded banks on the north, east and west sides of the property that are adjacent to a large wetland area. The wetland area creates a peninsula of sorts for the subject property. The closest property to the east is MK Auto Body (also has a home on the property) and part of The Pines Golf Course.

There is a significant historical site on the property in addition to the wetlands. As mentioned previously there are wetlands surrounding the property. Teri has a map and information from a Cultural Resource Survey done in 1984-85 for the US Corps of Engineers. There is an Indian burial mound located on Lot 1 in the wooded area of the lot on the westerly side. Teri spoke to the state archaeologist regarding the process to authenticate the mound. Typically, the state archaeologist implements a 20' setback around the mound. The state archaeologist did not believe the location of the mound should impede development.

The property is fairly wooded with the exception of the road easement and central building envelope. The topography of the property does not prohibit development; however, there are limits due to the steep banks and wetlands.

The property to be rezoned is adjacent to County 77 and is maintained by Cass County. The property is currently vacant. The lots are served by a service drive easement. It is the intent of the applicant to combine Lots 1 and 2 along with 3 and 4 to create two lots versus four.

The property to be rezoned will be served by sub-surface treatment systems (on-site septic system). According to the plat information (2001) the soils should be suitable for an onsite septic system.

There are no known areas of significant historical or ecological values of the area that would prevent it from being rezoned.

The rezoning would not create a spot zone as there are properties in the vicinity being used for commercial purposes (MK Autobody, Grand View Golf Course, Anderson Brothers Gravel Pit, and Lake Fun Rentals). The corridor of County 77 throughout the city is interspersed with commercial uses. While this is not a typical zoning pattern it does seem to work within this community and believe this site could be rezoned to neighborhood commercial given the location and the topography of the subject property.

#### STAFF RECOMMENDATION

This rezoning request meets the criteria within the ordinance for rezoning and is consistent with the City's Comprehensive Plan for strategies for economic development (examine zoning classifications for areas that would be suitable for the expansion of commercial uses).

#### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted to recommend the rezoning of Lots 1-4 of Marsh Vista from R-1 to Neighborhood Commercial. The motion was passed with commission member Dave Baldwin opposed. A draft copy of the minutes is included in the agenda packet for your review.

Teri read a letter of opposition into the record as requested from Dave Baldwin. The Mayor asked if it is true if the property is rezoned it would make it difficult to regulate what is put on the second lot if it's sold. Teri said they would be able to put a business there; however, the landowner would also have to come before the planning commission for a conditional use permit. Lee submitted a landscape plan that included additional trees around the building and on the berm.

Lee Wangstad was here to answer questions. Gail Levenson from the Cass County Economic Development Corporation was also available.

Doug Miller asked to see elevation drawings; he was satisfied with the drawings. If the second lot was sold, what would Lee consider a good fit? Lee said something that would complement his business.

**MOTION BY SUSAN AMACHER TO APPROVE THE REZONING REQUEST AS IT IS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN FOR STRATEGIES FOR ECONOMIC DEVELOPMENT. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

Cass County EDC Activity Report and Project Update – The EDC Activity Report and Project Update were included for review. Gail said the annual meeting was last Friday at Chase Hotel and Conference Center; there were 14 businesses represented with 5.8 million in capital investment in the county and over 60 jobs. She said that the major request is for business expansion.

August Minutes and Permit Summary – The minutes and permit summary were included for review.

Draft October Minutes – The draft minutes were included for review.

**Wastewater/Road Committee** – John Poston asked Jim to read through the proposed Lake Shore Approach Policy.

Approach Policy – The Wastewater/Road Committee recommended establishing a 'Road Approach Policy'; it would require anyone wanting to install an approach off a Lake Shore city street to submit a plan to determine if a culvert is needed and approval to proceed.

**MOTION BY DOUG MILLER TO ADOPT THE 'ROAD APPROACH POLICY' AS PRESENTED. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

72<sup>nd</sup> Street Feasibility Study – Resolution Receiving Report and Calling for Public Hearing – WSN provided the feasibility report for the proposed 72<sup>nd</sup> Street improvements. Dave Reese said the feasibility study is the first step in the process for a road improvement. It describes the current condition of the road and the proposed improvements. This project will be combined with Loon Lake Township. Doug asked if Loon Lake Township is on board with the project. Yes, they are.

There is a correction on page 7 of the report: the proposed road width is 20' and the second paragraph states 22' feet; this will be corrected. Dave said the Lake Shore assessment is approaching \$1,900.00 per parcel.

**MOTION BY DOUG MILLER TO ACCEPT THE 72<sup>ND</sup> STREET FEASIBILITY REPORT AS PRESENTED. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

August Minutes – The minutes were included for review.

**Park and Recreation Committee** – Krista Knudsen said the committee met and Todd Peterson requested a position on the committee. The old lawnmower has been located and Jim is working on repairing it.

Appointment to Park and Recreation Committee – Todd Peterson submitted an application for a position on the Park and Recreation Committee.

MOTION BY JOHN POSTON TO APPOINT TODD PETERSON TO THE PARK AND RECREATION COMMITTEE. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

August Minutes – The minutes were included for review.

**Environmental Committee** – Doug Miller said the committee didn't meet last month.

**Trail 77 Team** – John Poston/Susan Amacher - John Poston said that the committee has applied again this year for to the State for the 2014 Legacy Grant.

Draft September 27<sup>th</sup> Minutes – The minutes were included for review.

**Personnel** – John Terwilliger/Susan Amacher said there was no personnel business this month. The Mayor said that the Pequot Lakes mayor had approached him and Susan regarding budget issues and she didn't contact them again.

**City Attorney** – Gammello, Qualley, Pearson & Mallak – Steve Qualley asked Teri to keep him informed on the Loon Lake Township agreement.

**City Engineer** – Widseth Smith Nolting – Dave Reese

Request by MPCA for Groundwater Monitoring Well – The MPCA would like to place an ambient well on city hall property to test the groundwater in an area where there is on-site sewer. There is no cost to the city.

MOTION BY JOHN POSTON TO APPROVE THE REQUEST BY THE MINNESOTA POLLUTION CONTROL AGENCY TO PLACE AN AMBIENT WELL ON CITY HALL PROPERTY FOR MONITORING GROUNDWATER. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**OLD BUSINESS** – Jim Thomes said that he has talked with one northern city to discuss their special deer harvest. He said they worked with the DNR and he will follow up with the program for next year.

**NEW BUSINESS** - There was no new business.

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

MOTION BY DOUG MILLER TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 31928 THROUGH 31998 - TOTAL \$49,989.01). JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY DOUG MILLER TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF OCTOBER 28, 2013 AT 7:36 PM. JOHN POSTON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald  
Lake Shore City Clerk