

MINUTES
Regular Meeting of Lake Shore City Council
Monday, February 22, 2016
7:00 PM Lake Shore City Hall

Mayor John Poston called the February 22, 2016 Regular City Council meeting to order at 7:00 p.m. The pledge of allegiance was recited.

Roll Call: Mayor John Poston. Council Members present: Earl North, John Terwilliger, Krista Knudsen and Doug Miller. City Attorney Steve Qualley; City Engineer Mark Hallan; City Administrator/Planning and Zoning Administrator Teri Hastings; Police Chief Steve Sundstrom and City Clerk Patti McDonald were present. There were 3 people in the audience.

APPROVAL OF MINUTES

MOTION BY EARL NORTH TO APPROVE THE JANUARY 25, 2016 REGULAR CITY COUNCIL MINUTES AS PRESENTED. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

REPORTS

Police/Fire Report – Chief Steve Sundstrom

Incident Report - From January 25, 2016 to February 21, 2016 there were 86 incidents in the City. There were 60 traffic-related incidents and 26 were miscellaneous department activity.

Mayor's Report– John Poston had nothing to report.

Clerk/Treasurer's Report – Patti McDonald

Financials – MOTION BY DOUG MILLER TO APPROVE THE JANUARY FINANCIALS AS PRESENTED (CLAIM NUMBERS 34140 THROUGH 34201 – TOTAL \$57,864.77). KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

City Administrator/Planning & Zoning Administrator – Teri Hastings

Rezoning Recommendation of Moore/Winterstein Properties – Teri's staff report indicated the following: In 2015 during the review of the Lost Lake Lodge Resort application, an error was found in the city's Zoning Map for the property owned by Timothy and Cynthia Moore and Sally Sue Carter-Winterstein. The two properties are adjacent to the north side of the resort (map attached). Both parcels were originally part of the resort property but were split off sometime between 1981 - 1997. The properties are zoned Waterfront Commercial and should be zoned R-2, Medium Density Residential.

Both property owners were sent two notifications regarding the error and the rezoning.

Both properties are currently used for residential purposes and have a dwelling on them.

STAFF RECOMMENDATION

Based on the above information it is recommended that properties described as Part of Government Lot 6, Section 9, Township 135, Range 29 and Part of Lot 1, Lot 2, Outlot 1 and Minta Bemis Road of Schaffers Upper Gull Lake Addition be rezoned from Waterfront Commercial to R-2, Medium Density Residential.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission is recommending approval of the rezoning so that it is consistent with the current use and lot size.

MOTION BY EARL NORTH TO APPROVE THE REZONING REQUEST OF TIM AND CYNTHIA MOORE AND SUE CARTER WINTERSTEIN AS PRESENTED. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Rezoning Recommendation of Radtke Property – Teri’s staff report indicated the following: The applicant is requested to rezone 9.94 acres to Neighborhood Commercial from Wooded Residential. The minimum lot size in the commercial district is 40,000 square feet and 20, 000 square feet of buildable area.

There are a number of factors that the ordinance lists in considering a rezoning request (Section 11.5).

The property surrounding the subject property is Wooded Residential to the north, east and south. The property to the west is zoned Agriculture and the property to the northwest is zoned Neighborhood Commercial. The area does have residential homes around the property. The property to the east and south is vacant and is Tax Forfeited property. There are commercial uses west of the property (Crocker Collision and a game farm (first property outside of the city limits)).

The topography of the site is fairly level with some grade change on the easterly side of the property. The topography would be conducive to a commercial use since there is not extreme variations in the topography. The site does consist of grassy vegetation near the highway and the remainder being wooded. The property does have a small cabin and garage on it, pictures attached.

The property is served by two County Roads, County 78 and County 29. Therefore, there is good accessibility for the site.

The Commission does need to determine the socioeconomic needs of the public? If the property is zoned commercial what will be the commercial use of the property? Will the use serve a need for the community? All commercial uses require a conditional use permit from the city.

There is no public sewer for this area and city sewer is not included in the city's 20 year plan. The site is large (9.94 acres) and should be able to accommodate a subsurface treatment system. The SSTS size will be dependent upon the type of use.

The proposed site does not have significant historical or ecological value that is known by the city.

The Commission will need to determine if a potential conflict could arise between the subject property and the surrounding property. The applicant should be asked how this conflict could be minimized or avoided. The surrounding properties are larger tracts which will help minimize conflict.

There is a very small amount of commercial property available within the city.

The rezoning would not be considered spot zoning since the property on the northwest corner is zoned commercial.

The City’s Comprehensive Plan indicates the following:

Policies

- **Encourage development that supports Lake Shore as a year-round community for residents and an attractive destination for visitors.**
- **Facilitate the coexistence of residential properties and recreational businesses as well as educate property owners on the value of recreational commerce to the community.**

Strategies

- **Examine the ordinance and current zoning classifications for areas that would be suitable for the expansion of commercial uses.**
- **Encourage the development of service-oriented businesses to support the increasing number of full time residents.**

STAFF RECOMMENDATION

Based on the criteria established in the City's Zoning Ordinance it may be justifiable to rezone the property but is this what the city would like to see for the future in this area? Teri believes a closer look is needed on whether this is appropriate for our community. Perhaps, the applicant could enlighten the commission on their plans for the property and possibly there is a better way to achieve the use the owner desires.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on Monday, February 8th regarding the rezoning. Two letters were received in opposition to the rezoning and one person was present in support of the rezoning. The Planning Commission is recommending denial of the rezoning from Wooded Residential to Neighborhood Commercial. The Planning Commission would like to consider an alternative way to allow the use (ordinance amendment) versus a rezoning. The Planning Commission felt that rezoning could potential allow more intensive commercial uses than desired for this area.

Teri read into the record a letter from Attorney Lonny Thomas asking the Lake Shore City Council to withdraw the rezoning application without prejudice on behalf of Macayla and Giles Radtke; they will work with the City to pursue this application under other circumstances.

Acceptance of Resignation – Tom Diemert – Tom Diemert has submitted a letter of resignation from the Planning Commission.

MOTION BY DOUG MILLER TO REGRETFULLY ACCEPT TOM DIEMERT’S RESIGNATION FROM THE PLANNING COMMISSION. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

2016 Board of Appeal and Equalization – Friday, April 8, 2016 @ Noon – The City has received notification from the County Assessor’s Office that this year’s Board of Appeal and Equalization will be held Friday, April 8th at 12:00 p.m. at City Hall; a quorum must be present. John Poston, John Terwilliger, Krista Knudsen and Earl North are certified so that the Board meeting may still be held at Lake Shore City Hall.

2016 Fire Contract – Teri Hastings attended the 2016 Fire Contract meeting on Monday, February 8th. Lake Shore’s total contract amount for 2016 is \$70,625.07 based on the land and building values of each entity being served by the Nisswa Fire Department; this includes the Firemen’s Relief Association amount of \$4,832.07. Lake Shore’s portion is 32.21% of the total cost of the Nisswa Fire Department budget.

The Mayor suggested that someone from Lake Shore attend the Nisswa budget meeting to get an explanation as to why the fire department automatically receives a 3% increase. He would like to look into a more equitable way to distribute the allocated portion of the budget. Steve Qualley commented that when he attended the Nisswa meeting they are including the future costs for buying a new fire truck. The Mayor asked if Steve works with other cities that structure the budget process the same way. He said that he works with Sylvan Township and they contract with Pillager; they also determine the contracted amount by land and building valuation.

MOTION BY EARL NORTH TO APPROVE THE 2016 FIRE CONTRACT AS PRESENTED. JOHN TERWILLIGER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

2015 Annual Fire Report – Nisswa provided the 2105 Annual Fire Report for review; unfortunately the numbers were inaccurate. We asked Nisswa for an updated copy to review.

January Minutes and Permit Summary – Teri provided the January minutes and permit summary for review.

Wastewater/Road Committee – John Terwilliger said the Wastewater/Road didn't meet in February.

Acceptance/Rejection of Bid for Lift Stations 4 and 5 – Dave Reese, WSN sent a report stating that pursuant to authority of the City Council and after proper legal advertisement, bids for the Lift Station Nos. 4 & 5 Reconstruction project were obtained at 2:00 p.m. in the Lake Shore City Hall on February 18, 2016. The following lump sum bids were received: Pratt's Affordable Excavating, Inc. for \$221,704 and CCS Contracting, Inc. for \$258,000 with the Engineer's Estimate at \$220,000. The bids were conforming to the plans, specifications, and advertisement. One additional bid was received from Wagner Construction, Inc. of International Falls, MN; however, they withdrew their bid as allowed by the terms and procedures of the bidding instructions.

WSN recommends the Contract be awarded to Pratt's Affordable Excavations, Inc. the lowest responsible bidder, on the basis of the lump sum price on the bid proposal. They do not recommend proceeding with the alternate bid for the pump at Silver Bay.

Earl North asked when the construction is to begin and the duration of the project. Mark Hallan said they anticipate starting the second half of April and should be complete by the Memorial Day weekend.

Earl North asked what part of the by-pass pumping needs Wagner Construction missed. Mark said they didn't visit the site and made an incorrect assumption in his interpretation of the project. Earl wanted to know why the bid bond wasn't captured. Mark said that Wagner had 24 hours to withdraw his bid by contract agreements. Earl suggested that WSN look at the contract documents not to allow the inappropriate assumption in a bid; there should be no relief to the contractor and the bid bond should be retained by the city. Wagner also didn't submit the responsible contracting form with the bid.

MOTION BY JOHN TERWILLIGER TO ACCEPT THE BID FROM PRATT'S AFFORDABLE EXCAVATING, INC. IN THE AMOUNT OF \$221,704 TO REPAIR LIFT STATIONS 4 AND 5; AND REJECT THE ALTERNATE BID TO REPLACE THE PUMP AT SILVER BAY IN THE AMOUNT OF \$15,000. EARL NORTH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Wastewater Monthly Report – PRASD – The operations report for February was included for review.

Park and Recreation Committee – Krista Knudsen said the committee will meet February 23rd.

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

Trail 77 Team – John Poston – There was nothing to report regarding the trail.

Personnel – John Poston/Earl North – Chief Sundstrom said the committee had a positive mid-term review with Mike Heldt.

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

City Engineer – Widseth Smith Nolting – Mark Hallan had nothing to report.

OLD BUSINESS – There was no old business.

NEW BUSINESS –

Joint Powers Agreement – Cass County 77 Project/Trail – Teri reviewed the Joint Powers agreement between Cass County and the City.

MOTION BY EARL NORTH TO APPROVE THE JOINT POWERS AGREEMENT BETWEEN CASS COUNTY AND LAKE SHORE FOR THE COUNTY 77/TRAIL PROJECT. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

ANNOUNCEMENTS/PUBLIC FORUM – Chief Sundstrom said the Easter Egg Hunt planning is underway for the Annual Easter Egg Hunt at Fritz Loven Park on Saturday, March 26th at 1:00 p.m.

MOTION BY DOUG MILLER TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 34202 THROUGH 34262 – TOTAL \$68,174.17). KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY DOUG MILLER TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 22, 2016 AT 7:28 PM. EARL NORTH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk