

MINUTES
Regular Meeting of Lake Shore City Council
Monday, April 26, 2010

Mayor John Terwilliger called the April 26, 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, Doug Miller and Lyle Kline; 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. There were 7 people in the audience.

PRESENTATION & ADOPTION OF 2009 AUDIT – Judy Moravec from Mathias C. Justin CPA’s presented the 2009 City Audit report and her findings show the City is in good financial standing.

MOTION BY JOHN BUKOVICH TO ACCEPT THE INDEPENDENT AUDITORS REPORT DATED DECEMBER 31, 2009 AS PRESENTED. LYLE KLINE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

APPROVAL OF MINUTES

MOTION BY DOUG MILLER TO APPROVE THE REGULAR CITY COUNCIL MEETING MINUTES OF MARCH 22, 2010 WITH A CORRECTION THAT THERE WASN’T A CALL FOR THOSE AGAINST A MOTION AND SUSAN AMACHER WOULD HAVE VOTED NO FOR THE PARK DEDICATION FEE FOR HUNTINGS. LYLE KLINE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY SUSAN AMACHER TO APPROVE THE SPECIAL CITY COUNCIL BOARD OF REVIEW MINUTES OF APRIL 9, 2010 AS PRESENTED. JOHN BUKOVICH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

REPORTS

Police/Fire Report – Chief Steve Sundstrom

Incident Report – From March 22, 2010 to April 25, 2010 there were 127 incidents in the City. There were 65 traffic-related incidents and 62 were miscellaneous department activity.

Resolution - Administration Fines – A Resolution authorizing administrative citations for certain traffic offenses pursuant to MN Stat. § 169-999.

MOTION BY SUSAN AMACHER TO ADOPT RESOLUTION 2010-04-01 AUTHORIZING ADMINISTRATIVE CITATIONS FOR CERTAIN TRAFFIC OFFENSES PURSUANT TO MN STAT. § 169.999. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Resolution – Speed Study Jacobs Road – A Resolution requesting the MN DOT Commissioner of transportation to conduct a speed study on Jacobs Road in the City of Lake Shore as per MN Stat. § 169.14 Subd. 5.

MOTION BY DOUG MILLER TO ADOPT RESOLUTION 2010-04-02 REQUESTING THE MN DOT COMMISSIONER OF TRANSPORTATION TO CONDUCT A SPEED STUDY ON JACOBS ROAD IN THE CITY OF LAKE SHORE AS PER MN STAT. § 169-14 Subd. 5. LYLE KLINE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Mayor's Report– John Terwilliger

Authorize Execution of Warning Siren Agreement – The Leech Lake Tribal Band need a memorandum of understanding of the agreement approved by the city council between the city and them.

MOTION BY JOHN BUKOVICH THAT THE CITY OF LAKE SHORE RECEIVED, ACKNOWLEDGED AND SIGNED THE MEMORANDUM OF UNDERSTANDING FROM THE LEECH LAKE BAND OF OJIBWE REGARDING THE WEATHER WARNING SIREN AGREEMENT. THE CITY WILL RECEIVE A COPY OF THE AGREEMENT ONCE IT HAS BEEN EXECUTED. DOUG MILLER SECONDED THE MOTION. MOTION PASSED.

Clerk/Treasurer's Report – Patti McDonald

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

Approval to Transfer Capital Improvement Fund Balance to General Fund – There is a balance of \$22,329.04 in the Capital Project fund that can be transferred back to the general fund. This is because some of the project was paid for before the capital project fund was established for Pamela Drive.

MOTION BY SUSAN AMACHER TO AUTHORIZE THE CLERK TO TRANSFER \$22,329.04 FROM THE CAPITAL PROJECT FUND TO THE GENERAL FUND. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

City Administrator/Planning & Zoning Administrator – Teri Hastings

Ordinance Dealing with Rental of Property – The purpose of this ordinance amendment is to address the rental or leaseback of homes in the city. In the previous ordinance, rental of homes was limited to four times per year. Rental of homes was inadvertently omitted from the new ordinance adopted last year. This amendment allows six rentals per year (the duration is not specified) and does require an annual registration fee of \$50.00. The ordinance also requires septic compliance.

The Planning Commission held a public hearing on the amendment at their April meeting. Several copies of the ordinance were distributed to interested persons. The Planning Commission received one written comment on the ordinance. The Planning Commission is recommending approval.

MOTION BY SUSAN AMACHER TO APPROVE THE ORDINANCE AMENDMENT PERTAINING TO RENTAL LEASEBACK OF HOMES WITHIN THE CITY OF LAKE SHORE. LYLE KLINE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Resolution Approving Gambling (Pull Tabs) at Matty's – Brainerd Elks Lodge is requesting the Lake Shore City Council to adopt a resolution to allow pull-tabs on their behalf at Matty's.

MOTION BY JOHN BUKOVICH TO ADOPT RESOLUTION 2010-04-03 TO ALLOW BRAINERD ELKS LODGE TO SELL PULL-TABS AT MATTY'S. SUSAN AMACHER SECONDED THE MOTION. LYLE KLINE OPPOSED. MOTION PASSED.

March EDA Activity Report and Newsletter – The Cass County EDA activity report and newsletter were included for review. The Mayor commented on the market value comparison in the newsletter.

March Permit Summary – The March permit summary was included for review. There was no Board of Adjustment meeting in March due to lack of business.

Wastewater/Road Committee – John Bukovich

Award 2010 Road Bids – A letter from WSN states that: Pursuant to authority of the City Council and after proper legal advertisement, bids for the 2010 Lake Shore Street Improvements project were obtained at 11:00 a.m. in the Lake Shore city Hall on April 8, 2010. There were two bids received, one from Tri-City Paving for \$225,343.20 and one from Anderson Brothers Construction for \$230,938.22. WSN recommends that the contract be awarded to Tri-City Paving, Little Falls, MN, the lowest responsible bidder, on the basis of the unit prices on the bid proposal. The Wastewater/Road Committee met April 20th and recommends awarding the bid to Tri-City. Lyle Kline asked if the quality of work is comparable with Anderson. Tri-City has done quality work in the city in the past. Dave Reese said the low bid is based on the city standard oil for black top mix.

MOTION BY JOHN BUKOVICH TO AWARD THE BID FOR THE 2010 LAKE SHORE STREET IMPROVEMENTS TO TRI CITY PAVING AT A PRICE OF \$225,343.20. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Dave said the original proposal with WSN was to follow through up to the design phase and would need council approval to move forward with the construction phase. Lyle Kline asked if the construction phase of the project that WSN bid at approximately \$18,000.00 should go out for bids. Earl North said it is generally not advised to hire a different consultant to follow up on an original contract bid.

MOTION BY JOHN BUKOVICH TO AUTHORIZE WSN TO SUPERVISE THE CONSTRUCTION PHASE OF THE 2010 LAKE SHORE STREET IMPROVEMENTS AT A PRICE OF APPROXIMATELY \$18,000.00. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Quotes for Crack Sealing – There were two quotes – one from Anderson Brothers at \$360.00/hr for a 5-man crew and one from Rardin Excavating 280.00/hr for a 5-man crew. Rardin was approximately \$80.00 per hour less for a crew of 5 as compared to Anderson.

MOTION BY DOUG MILLER TO ACCEPT THE BID FROM RARDIN TO CRACK SEAL THE ROADS IN LAKE SHORE. JOHN BUKOVICH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

March Minutes – There was no March meeting.

Cemetery Committee – Lyle Kline said there is nothing new in cemetery. There are approximately 15 lots sold.

Park and Recreation Committee – Lyle Kline - Cindy Terwilliger reported that the Easter Egg Hunt was successful and there were 3000 eggs hidden for the 250 kids that came to the park. She thanked the people that stuffed the eggs. There was discussion of dust on the road in the park. There was discussion of the garbage and it was determined to continue with no garbage receptacles in the park. She said that the crushed asphalt in the park looks great. The split rail fence was removed; it was replaced with boulders. The fishing platform was discussed and donations are being sought to construct the platform. She said upon completion a sign will be placed to dedicate the platform to Vicki LaMere. The trail along County Road 77 was discussed and they are moving forward with the plans and grant opportunities. Cindy complimented John Poston as the committee chair. Steve Sundstrom said he was approached about no trash receptacles at the park. He and Teri looked at the trashcans that have the dome tops, which would be difficult to put household trash into. Teri suggested trying one can to see how it works. John Bukovich suggested putting two out there. Steve said the person that he talked to was also

concerned about cars using the road going to the top of the hill. John Bukovich said it was looked at making that a walking path before and it is used for handicapped people to get to the platform.

MOTION BY JOHN BUKOVICH TO ALLOW THE PARK COMMITTEE TO PURCHASE TWO TRASH CANS FOR THE PARK. LYLE KLINE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Speed Limit in Park – Authorization to Purchase Signs – The posted speed in the park cannot be less than 20 MPH unless approved by the State Road Commissioner. Steve suggested some orange caution signs suggesting a lower speed could be purchased.

MOTION BY DOUG MILLER TO ALLOW STEVE TO PURCHASE CAUTION SIGNS FOR THE PARK. SUSAN AMACHER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

March Minutes – The March minutes were included for review.

Environmental Committee – Doug Miller said the committee met; however, there was not a quorum present to do business. The DNR and GCOLA are going to test Spider, Roy and Bass Lakes this year.

Shoreline Restoration Project – Ron Faust came before the council to propose a Shoreline Restoration Project that the committee has been working on. He said that the implementation matrix per the Wenck study suggests that the city works with shoreline owners to restore shorelines and provide education as to how to restore the shoreline. He said there is a lot of literature that suggests the restoration process; however, at a brainstorming meeting it was suggested to create a shoreline restoration demonstration area at city hall. Ron went to Landsburg Landscape for guidance and pricing of the project. The prices are general and not a firm bid. Ron said if this is something that the council would like to see the committee move forward with he would go out for more bids and grant opportunities.

Susan Amacher is opposed to the project for two reasons. She said that right now we shouldn't be promoting enhancement projects in the state of the economy even if there are grant dollars available. She said that there would always be maintenance. She said the rationale thing to do would be for the residents that have already restored their shoreline could showcase their success. John Bukovich agreed with Susan; he also said it would be a very short time until a vehicle would end up in the pond if it is in the circle at city hall. Susan suggested that Landsburg make the demonstration pond at his place of business. Ron said he has a pond there, but he is not aware of any native plants in it. Landsburg does carry the shoreline restoration seeds and plants. Earl North said that beyond this site it was discussed to have the pond at the city sign and he doesn't think that it is the cities property.

Cindy Terwilliger likes the idea and said there are so many ways that the committee has tried to get the concept across; however, she agrees with Susan that now may not be the time. Earl said that the Stakeholders committee should be working with the Environmental Committee on a project of this magnitude as regards to the matrix. Elaine Leach serves on both committees said that cost and timeliness have been talked about. She said that education is part of the procedure and this would encourage people to do it themselves. She is doing the restoration process herself and each person doing it is in a different stage so the boat tour may not capture the effect as having a demonstration area in one spot. The Mayor asked if there is power and water to the circle. There is not right now. There would be a lot of maintenance for a project of this size. Ron said they are hoping there would be volunteers such as the garden committee in Nisswa.

Lyle Kline thinks that the idea is a good opportunity, but the financial timing is not good. Jim suggested the circle at the DNR lot. Teri said that the runoff down there is incredible and this is a good suggestion.

Doug Miller said that the question would be how it would be paid for. He said this can go back to committee to ask the DNR about the circle and/or think of other ways to educate the public of how important the buffer area is. Ron said his plan is to have no Lake Shore money in the project; but he understands that seeing the demonstration area here it would be assumed that public funds were used.

March Minutes – The March minutes were included for review.

Personnel – John Terwilliger/Susan Amacher

Rehire Shawn Birr as Part Time Police Officer – Steve would like the City to rehire Shawn Birr as a temporary part-time police officer. Shawn was hired part-time by the city a few years ago and left on good standings. There are no additional costs to the city because the part-time budget is already set. The other part-time officers are limited on tier hours because they both work full-time jobs.

MOTION BY SUSAN AMACHER TO REHIRE SHAWN BIRR AS A TEMPORARY PART-TIME OFFICER FOR THE CITY OF LAKE SHORE. LYLE KLINE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

City Attorney – Gammello & Qualley – Steve Qualley said the cartway case is complete. There may be another cartway request in the near future.

City Engineer – Widseth Smith Nolting – Dave Reese said with respect to the road project he will be contacting testing companies. There may be a pre construction meeting here shortly with the approval of the road projects.

OLD BUSINESS – There was no old business.

NEW BUSINESS - There was no new business.

ANNOUNCEMENTS/PUBLIC FORUM – Steve said the Easter egg hunt was by far the biggest one yet with 250 kids.

MOTION BY DOUG MILLER TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 28444 THROUGH 28577 - TOTAL \$99,770.68). LYLE KLINE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY SUSAN AMACHER TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF APRIL 26, 2010 AT 8:30 PM. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk