

**Lakeland Shores City Council Meeting
September 4, 2003
Lakeland City Hall**

Present:

Mayor Bob Harvey	City Attorney Timothy Kelley
Council Member Judy Savage	City Treasurer Tom Niedzwiecki
Council Member Sandy Wilke	City Clerk Joan Heldt
Council Member Dave Jarvis	
Council Member Joella Givens	

Also Present:

Tom Savage, Dave Simons, Molly Shodeen, Gordy Jarvis, Tim Schroeder, Carrie & John Kaplan, Herb Baldwin, Officer Becky Engel, Tom & Linda Wilson

Mayor Harvey opened the Public Hearing at 6:30 p.m.

Public Hearing on Application for Amendments to a Variance Permit – Dave & Shannon Jarvis

Dave Jarvis current variance permit requires a Public Hearing to change the site plan. The existing house will be incorporated into the proposed structure. There is no additional variance request needed. There is no additional DNR code. A building permit needs to be obtained by the City. Mayor Harvey asked if Jarvis was moving the home to the lot line; Jarvis confirmed yes. Wilke asked if the current septic will be abandon and Jarvis indicated on the map where the new septic will be located. Attorney Kelley mentioned the applicants are not requesting additional variances, and the City Council only needs to consider the issue of incorporating the existing structure. *Note: Dave Jarvis abstained from council discussion.*

Givens motioned to close the public hearing; Wilke seconded; all ayes, motion carried.

September City Council Meeting Call to Order

Mayor Harvey opened the September City Council meeting at 6:36 p.m.

Review and Approve August Minutes

Wilke motioned to approve the August minutes as corrected; Savage seconded the motion; all ayes; motion carried.

Mayor Harvey opened the Public Hearing at 6:55 p.m.

Public Hearing on an Application for Variance – John & Carrie Kaplan

Herb Baldwin representing John and Carrie Kaplan's request for an Application for Variance to reconstruct a building. Baldwin provided an explanation of the proposed drawings. The Kaplan's and Baldwin have met with Molly Shodeen, DNR and Tom Savage regarding the 50 foot setback, manmade slopes and 12 percent slopes. The Kaplan's realize they need to qualify with the building plans for a two or three bedroom home and receive approval of the existing setback.

The Council discussed current setback of the existing house and the 12 percent grade. Tom Savage mentioned the many ordinances that would need to be complied with. Shodeen mentioned she has never done something like this and is a little skeptical. Mayor Harvey asked if they were to build where the house was currently. Shodeen would want to know the alterations of the area and needs more details. Baldwin mentioned the Kaplan's really do want to have a wooded lot with landscape planting, which they will need to come back and get the City's approval. They are going to try to comply with the City approvals. Attorney Kelley mentioned the only variance the Kaplan's are requesting is for building on a slope greater than 12 percent. In deciding to approve or deny the application, the City Council must determine whether the Kaplan's demonstrate undue hardship. If the City approves the variance request, the Kaplan's will have to comply with all other ordinance requirements. A resolution would need the DNR and the City Engineer approval.

Baldwin needs to know if the Kaplan's have a buildable site. What is the visual impact? Molly suggested the Kaplan's have the area perk tested. Carrie Kaplan asked that the City accept from the first bluffline. Tom Savage said there is more than one bluffline in the ordinance. Mayor Harvey asked how the DNR would feel going from the first bluffline. Shodeen stated in the past the DNR used railroad lines, offer discretion for minor alterations and would prefer they would go no further than the first bluffline. John Kaplan clarified the bluffline is from the existing and not the manmade bluffline. Carrie Kaplan doesn't want the septic on the west side of the property. Gordy Jarvis asked if there have been hardships in the City regarding the 50 foot setback from the bluffline and feels the City has already set precedence. Shodeen mentioned each case is looked at individually. Tom Savage mentioned the current structure was built in 1979 under the current ordinance.

Jarvis motioned to close the Kaplan Public Hearing; givens seconded; all ayes; motioned carried.

Mayor Harvey opened the regular meeting again at 7:53 p.m.

Additions to Agenda

Tom and Linda Wilson, 16671 Division St. request for Application for a Variance.

Wilson's are requesting to add onto the existing garage. Tim Schroeder said he applied for a building permit and Vern said they need a variance. A public hearing needs to be scheduled after the permit application is complete. Jarvis motioned to schedule a public hearing on the condition that the permit application is complete; Givens seconded; no discussion; motion carried. A tentative Public Hearing was scheduled for October 2, 2003 at 6:30 p.m.

Old Business

Washington County Sheriff Report

Officer Becky Engel reported the City of Lakeland Shores had 22 calls for the month of August. Officer Engel mentioned a few of the calls received: 4 citations issued; 2 passing on the shoulder; 3 alarms; theft from a dock; jewelry box from home and one 911 call.

Kaplan's Variance Application –

Jarvis motioned the City Attorney draft a resolution for the Kaplan's variance permit regarding the 12 percent grade; Givens seconded; all ayes; motion carried.

Jarvis Variance Application –

Savage motioned to approve Jarvis' amended variance application and adopt resolution 2003-09-01; Wilke seconded; no discussion; motion carried. *Note: Dave Jarvis abstained from voting.*

Fire Representative Report – Dave Jarvis

- The building is on schedule and within budget.
- Lakeland Shores did not have any runs in July.
- Operations – there was one bid received for a new pumper truck – \$425,000. This bid is to replace two failing units. No decisions have been made. The committee will be updating the current value of all units in regards to insurance premiums. Looking into a \$500 charge for structural fires; this is covered under most insurance policies.
- Ambulance – proposing an increase in billing rates. Theresa is looking into a state revenue recovery program to offset the amount of money people do not pay.

Treasurer Report –

- Reviewed the monthly budget report.
- Approval of 2004 Proposed Certified Levy – Savage motioned to accept Resolution 2003-09-02; Wilke seconded; all ayes; motion carried.

Attorney Report –

- Charitable Gambling Ordinance ten percent will be spent in the area and 100 percent in the City's trade area. Wilke motioned to adopt the lawfully gambling ordinance; Givens seconded; all ayes; motion carried.
- Discussed adult ordinance. Wilke motion to adopt ordinance 35 adult use ordinance; Savage seconded; all ayes; motion carried.
- Dog ordinance - change from July 1 to January 1.

Road Commissioner Report –

- Tom Savage provided a copy of the statutes regarding weed mowing.
- Cable Company – does not have information on the property transfer. Tim will discuss during the Attorney report.
- Provided copies of a permit application for Sid Hartman.
- Provided copy of a letter he sent to Al Schneider regarding the problems with the bicycle jumps and trespassing. Givens asked about the city property; Tom stated the City property is clear of debris.
- Division Street – along the north side of the road has dug up the sod and installed rock and evergreen trees, unfortunately this is in the right-of-way of the city road. Dave Simon will look at the area, talk to the home owner and report back. It may not be a problem today but in the future the City would need to approach the property owner.
- Gordy Jarvis questioned resurfacing the bike trail and asked if it was budgeted in the 2004 budget. Tom Savage said it was budgeted in 2003 however the other cities were not ready.
- Provided update on Stanke regarding fixing the ruts created by the company vehicles. Stanke has removed the trucks from the vacant lot. Stanke would like the CUP put in his name. Savage questioned the light; Attorney Kelley will discuss the light issue with Mr. Stanke.
- Tom Savage and Tom Niedzwiecki have been working diligently on why the County bills are so high and noted the County will reimburse the City \$5,000.

Clerk Report –

Council Member Savage and the City Clerk will attend Head Election Judge training on September 29.

Council Reports

Savage –

- Because Tom Savage is the Streets and Zoning Commissioner, she feels Tom should be seated at the table.
- Savage also expressed appreciation for all the work Tom Savage does for the City. He receives calls day and night, writes letters and faxes. Tom spends an enormous amount of time working for the City. An example of Tom’s dedication to the City is he took his own personal tractor to Al Schneider’s and spent hours pushing dirt and filling in the holes made by the kids.

Wilke – Interested in the person who hit the gas line and was curious to find out what happened from the sheriff. Does the city fine the resident? Wilke will contact the Fire Chief.

Jarvis – Newsletter. Jarvis thought maybe the City should re-evaluate providing a newsletter to the residents again.

Givens –

- Watershed letter; noted things are moving forward.
- Reported on the monthly Animal Report.
- Will draft a letter to the residents regarding the dog ordinance and license.

Bob –

- Will attend the Mayor’s meeting Monday.
- Appreciates all the work the Council is doing for the City.

Review and Approve Bills and Invoices

Wilke motioned to approve the bills and invoices; Savage seconded; motion carried.

Adjourn

Wilke motioned to adjourn the meeting; Givens seconded the motion; all ayes; motion carried. Mayor Harvey adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Joan Heldt
City Clerk

Bob Harvey
Mayor