

MINUTES
Regular Meeting of Lake Shore City Council
Monday, August 28, 2023
6:00 PM Lake Shore City Hall

Acting Mayor Andy Stewart called the August 28, 2023, Regular City Council meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

Attendance: Acting Mayor Andy Stewart; Council Members: Henry Cote, and John Terwilliger. City Attorney Dan Hawley; City Engineer Dave Reese; Police Chief Steve Sundstrom; City Administrator/Planning Zoning Administrator Teri Hastings; and City Clerk Patti McDonald were present. Mayor John Poston and Council Member Wayne Anderson were absent. The audience included Emma Clarke, Widseth; Nancy Vogt, and Pineandlakes Echo Journal Editor, and Reed Wickstrom. A quorum was present, and the City Council was competent to conduct business.

APPROVAL OF MINUTES

MOTION BY JOHN TERWILLIGER AND SECONDED BY HENRY COTE TO APPROVE THE JULY 24, 2023, REGULAR CITY COUNCIL MEETING MINUTES AS PRESENTED. MOTION PASSED.

MOTION BY JOHN TERWILLIGER AND SECONDED BY HENRY COTE TO APPROVE THE AUGUST 7, 2023, SPECIAL CITY COUNCIL MEETING MINUTES AS PRESENTED. MOTION PASSED.

REPORTS

Police Report – Police Chief Steve Sundstrom

Incident Report – In July 2023 there were 127 incidents in the city. There were 70 traffic-related incidents and 57 were miscellaneous department activity.

Resolution 2023-08-01 Accepting Donation – The City of Lake Shore is authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 469.03 for the benefit of its citizens, and to specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statute Section 471.17. The Following person – Linda Martin offered to contribute \$4,000 to the Police Department. The City Council finds that it is appropriate to accept donations offered.

MOTION BY JOHN TERWILLIGER AND SECONDED BY HENRY COTE TO ADOPT RESOLUTION 2023-08-01 A RESOLUTION ACCEPTING DONATIONS. MOTION PASSED.

July Fire Report – The July Nisswa Fire Department report was included for your review.

Mayor's Report – John Poston was absent.

Clerk/Treasurer's Report – Patti McDonald

Transfer of Funds from Frandsen Bank & Trust to American National Bank – A Motion is needed to transfer the balance of funds held at Frandsen Bank & Trust to American National Bank of Nisswa. The city will close the account at Frandsen Bank & Trust as the closest location is the Baxter branch, which is not a convenient location.

MOTION BY HENRY COTE AND SECONDED BY JOHN TERWILLIGER AUTHORIZING THE TOTAL TRANSFER OF FUNDS FROM FRANSEN BANK & TRUST TO AMERICAN NATIONAL

BANK; AND TO CLOSE THE CHECKING ACCOUNT AT FRANDSEN BANK & TRUST. MOTION PASSED.

Financials – MOTION BY JOHN TERWILLIGER AND SECONDED BY HENRY COTE TO APPROVE THE JULY FINANCIALS AS PRESENTED (CLAIM NUMBERS 41162 THRU 41233 AND NON-CHECK CLAIMS LISTED TO ATTACHED REPORT – TOTAL \$92,599.38). MOTION PASSED.

Pay Bills – MOTION BY JOHN TERWILLIGER AND SECONDED BY HENRY COTE TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 41197 THRU 41295; AND CLAIMS 1243 THRU 1256 – TOTAL – \$137,556.71). MOTION PASSED.

City Administrator/Planning & Zoning Administrator – Teri Hastings

Quote to Increase Insurance Umbrella – Teri Hastings recently met with the city’s insurance agent Jayme Steele of Weizenegger Engel Insurance (agent for the League of Minnesota Insurance Trust), and they discussed the city’s umbrella coverage which is currently \$1 million dollars. He is recommending this amount be increased. Jayme provided two quotes one for \$3 million and the other for \$5 million. Dan Hawley explained the statutory maximum is \$1M per occurrence and this is why the umbrella coverage is recommended, so if there is more than one, this could potentially be a problem. He said a bigger city would probably need more.

MOTION BY HENRY COTE AND SECONDED BY JOHN TERWILLIGER TO INCREASE THE INSURANCE UMBRELLA TO THE 3 MILLION DOLLAR OPTION FOR AN ADDITIONAL \$2,441 AS PRESENTED. MOTION PASSED.

July Minutes and Permit Summary – Teri included the July minutes and permit summary for review.

Wastewater/Road Committee – Wayne Anderson was absent.

Pay Estimate 1 – 2023 Road Projects – Emma Clarke presented partial pay estimate number 1 for the Lake Shore 2023 Street Improvements. The project is substantially complete, and Knife River Corp is requesting a partial payment of \$439,957.69.

MOTION BY JOHN TERWILLIGER AND SECONDED BY HENRY COTE TO APPROVE THE PAY ESTIMATE AS PRESENTED. MOTION PASSED.

Proposal for Professional Services – Fritz Loven Bridge – Widseth has provided a proposal for professional services for the Fritz Loven Bridge – Design Services. The proposed scope of design services is for the replacement of the existing Fritz Loven Bridge with a 20’ x 48’ bridge and application for State Bridge Bonding submittal to the State Bridge Office. The 20’ wide bridge was determined by the City Council following public informational meetings and input. The amount of the fee proposal estimated for the proposed scope of design services is \$40,000.

MOTION BY HENRY COTE AND SECONDED BY JOHN TERWILLIGER TO APPROVE THE PROPOSAL FOR PROFESSIONAL SERVICES FROM WIDSETH FOR THE FRITZ LOVEN BRIDGE AS PRESENTED. MOTION PASSED.

Wastewater Monthly Report – Pequot Lakes – The operations report for August was included for review.

July Minutes – The July minutes were included for review.

Park and Recreation Committee – Henry Cote said the Park and Recreation committee didn’t meet in August.

Committee Application – Alternate – Kiley Armitage has submitted a committee application expressing an interest to serve on the Lake Shore Park and Recreation Committee.

MOTION BY HENRY COTE AND SECONDED BY JOHN TERWILLIGER TO APPROVE THE APPLICATION OF KILEY ARMITAGE AS AN ALTERNATE TO THE LAKE SHORE PARK AND RECREATION COMMITTEE. MOTION PASSED.

Trail 77 – The work on the trail is continuing and should be completed by late fall.

Personnel – John Poston/Wayne Anderson – There was no personnel business.

City Attorney – Gammello - Pearson – Dan Hawley had nothing to report.

City Engineer – Widseth – Dave Reese has nothing additional to report.

OLD BUSINESS – There was no old business.

NEW BUSINESS –

Resolution to Join the Coalition of Greater MN Cities – The Coalition of Greater Minnesota Cities (CGMC) is a nonprofit advocacy organization whose mission is to pursue policies at the state legislature that benefit Cities located outside of the seven-county Twin Cities Metropolitan area. CGMC offers a phased-in dues structure for new or returning member cities, under which, the City of Lake Shore will pay 25% of the full dues amount during the first year of membership, 50% of dues in the second year, 75% in the third year, and full dues are assessed in the fourth year of membership and thereafter.

MOTION BY HENRY COTE AND SECONDED BY JOHN TERWILLIGER TO JOIN THE COALITION OF GREATER MN CITIES AS PRESENTED. MOTION PASSED.

Draft Ordinance Regulation the Use of Cannabis and Cannabis Derived Products in Public Places – Teri’s staff report indicated the following: Attached is a draft ordinance amendment regulating the use of cannabis and cannabis derived products in public places for council consideration. There are a few points that the city attorney feels should be discussed by the council. Those points are copied below:

1. Does the Council want to prohibit public use of Cannabis Products?

This is really the main point.

2. If so, Is the intent to prevent the public use of medical cannabis products?

The ordinance as written would prevent that. However, if the Council wanted to exclude medical use, it would be pretty easy to do.

As it stands, “Medical Cannabinoid Product” is pretty well defined in the ordinance. In looking at that definition it is important to note that it is only available to a “patient” enrolled in the “registry program” or a “registered designated caregiver” by a cannabis or medical cannabis retailer to treat or alleviate the symptoms of a “qualifying medical condition.” The ordinance then prescribes what form the Medical Cannabinoid Product must be in and excludes “adult-use cannabis products” and “hemp-derived consumer products.” All of those terms in quotations have specific meanings in the ordinance.

A “patient” must be a Minnesota resident, who has been diagnosed with a “Qualifying medical condition” (for which the ordinance provides a list) by a health care practitioner and who has met the requirements to participate in the “registry program.”

The “Registry program” means a program established by the State which authorizes the use of medical cannabinoid products.

Accordingly, someone would have to be a Minnesota Resident who has received authorization from a medical provider, to treat a qualifying condition, and that has registered with the state. They would then only be able to use medical cannabis and not whatever cannabis they wanted. So, for example, if they had commercially produced “off the shelf” cannabis or just “weed” that would be considered adult-use cannabis and that would be prohibited.

This is something the Council will want to weigh in on.

3. Is the definition of “Public Place” and “Place of Public Accommodation” the way the Council wants it if they want to pass an ordinance?

I have tried to define both as broadly as possible. This would apply in all areas owned by the city but would also apply to private businesses that are open to the public. The prohibition would apply in both interior and exterior areas of the businesses. The Council will need to determine whether they are comfortable with that or whether they would like to refine the ordinance.

City Attorney Dan Hawley said as everyone knows the legislature legalized the use of cannabis within the State of Minnesota. He said it was passed without a lot of direction. He has reviewed proposed ordinances from other cities and Crow Wing County to draw up the proposed ordinance for the City of Lake Shore.

Police Chief Steve Sundstrom commented that he hoped the establishments open to the public within the city would enforce the ordinance. Dan pointed out that cannabis is not allowed where alcohol is being served.

The Council went over the points that Dan presented and felt after much discussion, they agree with the language presented and to move forward to a public hearing.

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

MOTION BY HENRY COTE AND SECONDED BY JOHN TERWILLIGER TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF AUGUST 28, 2023, AT 6:47. PM. MOTION PASSED.

Transcribed by Patti McDonald
Lake Shore City Clerk