

**MINUTES**  
**Regular Meeting of Lake Shore City Council**  
**Monday, October 23, 2023**  
**6:00 PM Lake Shore City Hall**

Acting Mayor Andy Stewart called the October 23, 2023, Regular City Council meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

**Attendance:** Council Members: Andy Stewart; Henry Cote, Wayne Anderson; and John Terwilliger. City Attorney Dan Hawley; City Engineer Dave Reese; Officer Mike Heldt; City Administrator/Planning Zoning Administrator Teri Hastings; and City Clerk Patti McDonald were present. Mayor John Poston, and Police Chief Steve Sundstrom were absent. The audience included our guests, Kathy Nevins, Essentia Health-Walker and Brian Buhmann, Director of Cass County Health, Human and Veteran Services; Joe Dubel and Emma Clarke, Widseth; Harlen Hulls and Ted Dullum, Gull Lake Drifters; Rick Steer; and Nancy Vogt, Pineandlakes Echo Journal Editor. A quorum was present, and the City Council was competent to conduct business.

**GUEST** – Kathy Nevins, Essentia Health-Walker, and Brian Buhmann, Director of Cass County Health, Human and Veteran Services – Re: Cass County Opioid Settlement Committee – They came to introduce themselves; share the current and future impact of Opioid Settlement dollars to Cass County; and to listen and take notes on how our area is impacted and what needs we have that can be addressed through this settlement.

Kathy Nevins was pleased to see our police department represented at the meeting. She said that they look to law enforcement and their thoughts for what they see in the field relating to opioid abuse. Mike Heldt shared that the department hasn't had an issue to date. Kathy said from her job experience, she knows it's in the area and she hopes they don't have to see it. What they can hopefully do is create a partnership to educate our youth not to even experiment with drugs.

John Terwilliger asked the common age for opioid abuse. Kathy said she recently looked it up and it is 25- to 34-year-olds. She wanted the city to know that there is \$488,000 sitting in Cass County to be used for Opioid Abatement.

Brian commented that even though it's Fall, they came to plant some seeds. There is going to be some funding available, they want the city to develop some ideas and keep in contact with them. He said they basically came to steer around and learn how to best use the monies available.

**APPROVAL OF MINUTES**

MOTION BY JOHN TERWILLIGER AND SECONDED BY WAYNE ANDERSON TO APPROVE THE SEPTEMBER 25, 2023, REGULAR CITY COUNCIL MEETING MINUTES AS PRESENTED. MOTION PASSED.

**REPORTS**

**Police Report** – Officer Mike Heldt

Funding Request-Safety Network – The Family Safety Network of Cass, Hubbard, and Clearwater Counties are requesting a contribution from the monies the city received in Public Safety Aid from the omnibus tax bill. The Lake Shore Police Department has used their services in the past. The Chief is requesting that the City Council to consider donating \$200 to the Family Safety Network from the Public Safety Aid funds. Teri Hastings commented the city received a one-time public safety aid payment for 47,000, so the FSN is requesting a donation.

MOTION BY JOHN TERWILLIGER AND SECONDED BY WAYNE ANDERSON TO DONATE \$200 TO THE FAMILY SAFETY NETWORK OF CASS, HUBBARD, AND CLEARWATER COUNTIES FROM THE PUBLIC SAFETY AID FUNDS. MOTION PASSED.

Incident Report – In September 2023 there were 74 incidents in the city. There were 29 traffic-related incidents and 45 were miscellaneous department activity.

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

**Mayor's Report** – John Poston was absent.

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

Financials – MOTION BY JOHN TERWILLIGER AND SECONDED BY HENRY COTE TO APPROVE THE SEPTEMBER FINANCIALS AS PRESENTED (CLAIM NUMBERS 41298 THRU 41368 AND NON-CHECK CLAIMS LISTED TO ATTACHED REPORT – TOTAL \$616,975.52). THE TOTAL INCLUDED A GENERAL FUND TRANSFER OF \$450,000 FROM CHECKING TO THE MONEY MARKET SAVINGS ACCOUNT. MOTION PASSED.

Pay Bills – MOTION BY WAYNE ANDERSON AND SECONDED BY JOHN TERWILLIGER TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 41368 THRU 41434; AND CLAIMS 1267 THRU 1276 – TOTAL – \$80,948.79). MOTION PASSED.

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

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

**Wastewater/Road Committee** – Wayne Anderson

Proposal for Surveying – 2024 Projects – The proposal from Widseth is for surveying visible features of each existing road corridor. Current utility conditions and topographic information is needed to complete plans for bidding and construction. We do not anticipate right-of-way acquisition will be required for the projects since the alignment is not proposed to change. The proposed cost is \$15,000. Dave Reese added that they will address the rest of the scope next month.

MOTION BY WAYNE ANDERSON AND SECONDED BY JOHN TERWILLIGER TO APPROVE THE WIDSETH PROPOSAL OF \$15,000 FOR SURVEYING THE 2024 STREET AND WASTEWATER IMPROVEMENTS. MOTON PASSED.

Final Pay Estimate – 2023 Road Projects – Emma Clarke reported that they did not receive the final payment request. They will make the request at the November council meeting.

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

September Minutes – The September minutes were included for review.

**Park and Recreation Committee** – Henry Cote said the committee did not meet.

**Trail 77** –

Change Order – Change Order #5 was presented to the council. The contract modification states that due to a change in field conditions, the helical anchors were not able to support the anticipated depth without increasing

the strength in the material needed to support against buckling; and a request to extend the contract time 41 days from October 20, 2023 to November 30, 2023 to provide the additional time for the change in field conditions listed above. This change order will increase the cost of the project \$62,639.20.

Joe Dubel explained that the first estimate was \$238,000 which was reworked a few times and the final change order came in much lower. Joe said the change order could be less, he is pleased with the work that started today. They are requesting a completion date to be extended as well due to the change in field conditions.

MOTION BY JOHN TERWILLIGER AND SECONDED BY HENRY COTE TO APPROVE CHANGE ORDER NUMBER 5 AS PRESENTED WITH A PROJECT INCREASE OF \$62,639.20. MOTION PASSED.

Request from the Gull Lake Drifters – Teri’s staff report indicated the following: The city has received a request from the Gull Lake Drifters to groom the Gull Lake Trail (GLT), from County 77 at the Anderson Pit (where the paved trail starts/end) to the intersection of Lost Lake Road/County 77 and the southern detached portion of the trail near Sherwood North to the southern city limits. While the GLT includes snowmobiles as an allowable use in the winter, previous discussions (phase 1 of the GLT) with club representatives indicated the club did not intend to groom the trail.

The Chief of Police has been consulted on the route since the snowmobiles will be crossing County 77 at the Anderson gravel pit. The chief did not have any immediate concerns.

A representative from the Gull Lake Drifters will be present to answer questions and to provide information, if needed. The attached Snowmobile Trail Permit would be valid for the 2023-2024 winter season, on a 1-year trial basis.

Fairview Township approved the Gull Lake Drifters request to groom the trail through Fairview Township at their regular board meeting on October 10<sup>th</sup>.

The City of Nisswa tabled the Gull Lake Drifters request to groom the GLT through Nisswa at their meeting on Oct. 17<sup>th</sup> based on their city attorney’s recommendation. Below is an excerpt regarding the issue:

- The City of Nisswa is requesting a Resolution, approved by the Gull Lake Drifters Board, that affirms the Gull Lake Drifters’ request to the City of Nisswa to allow grooming of the GLT within the City of Nisswa limits. Either included in the Resolution or in a separate document, the City also requests the Drifters’ submit a narrative/rationale for why they are requesting to groom the GLT. This will be the club’s opportunity to provide their reasons for why the City Council should grant their request. The information is requested by EOD 11/07/23.

The Lake Shore city attorney, Dan Hawley has been apprised of the request and action taken by the City of Nisswa.

Harlen Hulls said some of the trail system was paved over by the new the new trail system going along county 77. They are proposing to use the trail side of county 77 for their groomed trail as it is a safer and easier portion to maintain and stay on one side of the road.

Ted Dullum said that when the Gull Lake Drifters groom the trail, they will maintain the trail; including trees that fall over the trail, and they will also install signs. The trail will not be included on the map system (this season). The Gull Lake Drifters are required to carry insurance coverage.

In the proposed agreement from the Gull Lake Drifters, the League of Minnesota Cities would like to see from a liability perspective, that the club has commercial general liability insurance of at least \$1,000,000 per occurrence/\$2,000,000 annual aggregate; the city is added as an additional insured on the club’s liability

insurance; and the club agrees to defend and indemnify the city for claims against the city arising from the club's negligence or the club's failure to perform its obligations under the agreement.

Dan Hawley said to show best practice before an agreement is made, he suggested the Gull Lake Drifters Board supply a resolution from the club to officially make the request for the approval from the city; include the club's commercial general liability policy to see what the limits are, and to be assured it matches with what the LMC requires. He said that there is already language in the document that indemnifies the city; however, we want to see proof that the city can be added as an additional insured on the club's liability insurance. Dan suggested to table the request until the club can provide the additional conditions that were mentioned above.

**MOTION BY HENRY COTE AND SECONDED BY JOHN TERWILLIGER TO TABLE THE REQUEST FROM THE GULL LAKE DRIFTERS UNTIL THE NOVEMBER 27, 2023 COUNCIL MEETING. MOTION APPROVED.**

**Personnel** – John Poston/Wayne Anderson – Council Member Wayne Anderson reported that he, Acting Mayor Andy Stewart, City Administrator Teri Hastings, and City Clerk Patti McDonald met today to discuss moving forward with a timeline to advertise for the upcoming city clerk position opening in April. Andy said they also discussed the personnel policy regarding the Earned Sick and Safe Time (ESST) law that goes into effect in Minnesota on January 1, 2024. Teri said we are waiting for the completion of the succession planning from Flaherty and Hood, P.A. which is in the final stages.

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

**City Engineer** – Widseth – Dave Reese had nothing additional to report.

**OLD BUSINESS** – There was no old business.

**NEW BUSINESS** –

Resolution 2023-10-01 Increasing the Sewer Rate – The Lake Shore council has determined that, pursuant to Chapter 8 of the City Code, an increase on the quarterly sewer rate charged by the city is necessary. The rate per Equivalent Residential Connection (ERC) approved by the City council is \$153.13 and will be effective with the first quarter of the year 2024. Residents on the city sewer system were notified on their October billing about the increase for 2024.

**MOTION BY HENRY COTE AND SECONDED BY WAYNE ANDERSON TO ADOPT RESOLUTION 2023-10-01 INCREASING THE SEWER RATE ON JANUARY 1, 2024. MOTION PASSED.**

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

**MOTION BY WAYNE ANDERSON AND SECONDED BY HENRY COTE TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF OCTOBER 23, 2023, AT 6:42. PM. MOTION PASSED.**

Transcribed by Patti McDonald  
Lake Shore City Clerk