

**REGULAR CITY COUNCIL MEETING  
CITY OF SHELL LAKE  
SEPTEMBER 10, 2012**

Mayor Peterson called the meeting to order at 7:10 p.m. Council members present were Bruce, Eiche, Graf, Harrington, Leckel, Pederson and Schultz. Alderperson Shelton was absent. Also present were Jeff Parker, Clint Stariha, Teresa Anderson, Brad Pederson and twenty six people in the audience. The meeting was opened with the Pledge of Allegiance.

Schultz moved, seconded by Pederson, to approve the August 13, 2012 regular meeting minutes. The motion carried.

Mary Ellen Ryall announced that she will be retiring from managing the Butterfly Habitat. Ms. Ryall reported Joan Quenan will serve in this capacity for 2013-2017. Ms. Ryall presented some history on the habitat and noted a future project will be the garden shed. Ms. Ryall also reported they received a large donation which will assist with the maintenance costs.

Linda Ferris encouraged the City Council to address the gate issue again at the Class B landings and come to a compromise. Ms. Ferris also expressed concerns about the proposed eight foot wide mowed paths at certain Class C accesses, wetlands and potential for ATV access at Class Cs.

Janice Organ expressed concerns about the termination of employment of Library Director Beth Carlson. Ms. Organ noted there are several disgruntled library users. Ms. Organ noted she was a former school representative on the Library Board and requested the City Council look into it. Mayor Peterson explained that the Library Board is autonomous and Alderperson Eiche explained Ms. Carlson has filed grievances and the steps that need to be taken in the City's Grievance Policy. Gary Frankiewicz questioned if the Library Board held an illegal meeting by going into closed session under WI Stat. 19.85(1)(c) instead of 19.85(1)(b) would that be cause for dismissal of Board members. Alderperson Pederson noted the Board went into closed session according to their attorney's advice. As the City Council has no authority over this matter no further comment was allowed.

A public hearing was held on the following proposed Zoning Code amendment: Add to Sec. 13-1-140 ACCESSORY USES OR STRUCTURES "Sec. 13-1-140(m) Provided however this section shall not apply to public schools located in residential districts." There was no public comment and it was reported no written or oral comments were received by city staff pertaining to this matter. The hearing was closed.

Jeff Parker reported on the Public Works Department's activities.

Clint Stariha reported on Police Department and zoning activities. Chief Stariha expressed concerns about the loss of parking due to the carnival being located in the

beach parking lot and the blocking of the ATV route during Town and Country Days. Jeff Parker will discuss these matters with the Town and County Days committee.

**LIBRARY BOARD:** The August 15, 2012 and August 20, 2012 meeting minutes were reviewed. It was reported Library Director Beth Carlson's employment was terminated on August 21, 2012. Alderperson Pederson clarified a question from last month's City Council meeting pertaining to the library card policy.

**LAKE PROTECTION:** Recommendations from the September 3, 2012 Lake Protection Advisory Committee and September 10, 2012 Shell Lake Inland Lake Protection and Rehabilitation District Board of Commissioners' meetings were discussed. Schultz moved, seconded by Leckel, to endorse the volunteer aquatic invasive species (AIS) inspection program at the Main Landing and for the gate at the South Landing to be opened October 1<sup>st</sup>. A roll call vote was taken: Eiche-yes, Pederson-yes, Bruce-yes, Leckel-yes, Harrington-no, Schultz-yes and Graf-yes. The motion carried. Alderperson Harrington went on record as being opposed to any gates at any landings and quoted from the Public Trust Doctrine. E-mails from Tom Scott and Mike Roth pertaining to gate policies and inspection program were read. A list of name of those calling City Hall in support of keeping gates closed until ice on was read. Pederson moved, seconded by Schultz, to clarify the AIS Program consists of qualified individuals inspecting boats and trailers whether paid or not. The motion carried. Pederson moved, seconded by Leckel, to authorize paying Tanner Williams and Austin Shotts as inspectors to supplement the volunteer inspection program. Leckel moved, seconded by Eiche, to amend the motion to include "not to exceed twenty paid hours per week." The motion to amend the main motion and main motion as amended carried. Eiche moved, seconded by Harrington, that all gates other than the South Landing be opened after the first weekend in October. A roll call vote was taken: Graf-yes, Schultz yes, Harrington-yes, Leckel-no, Bruce-no, Pederson-no and Eiche-yes. The motion carried.

**HIGHWAY 63 IMPROVEMENT PROJECT:** It was reported an affected property owner was notified the project scheduled for 2015 has been put on hold and had other concerns. The Committee Chair will be consulted.

Schultz moved, seconded by Leckel, to amend the agenda to allow for the closed session to be held at the end of the meeting. The motion carried.

**PUBLIC WORKS ADMINISTRATION:** The September 5, 2012 committee meeting minutes were reviewed. It was reported the written appraisal has not been received for the parcel of city-owned property adjacent to the south property line of Shell Lake Marine. Brad Pederson reported he discussed this matter with appraiser Dave Masterjohn and the value has been determined at \$5,000. Tom Klassa has expressed an interest in purchasing this parcel to accommodate future access plans and other business reasons. The city's policy requires property, other than Industrial/Business Park, to be put out on



bids. Schultz moved, seconded by Leckel, to proceed under the city's policy for selling city-owned property to offer this parcel for sale. The motion carried.

Schultz moved, seconded by Leckel, to select MSA to be the engineer for the 2013 projects with the engineering work to commence in 2012. The motion carried.

Schultz moved, seconded by Eiche, for the City to discontinue fluoridation of the City's water system. The motion carried.

A revised Well Abandonment and Well Operation Permit Ordinance was reviewed. Schultz moved, seconded by Eiche, to adopt the revised Sec. 9-1-50 Well Abandonment and Well Operation Permit Ordinance. The motion carried.

**FINANCIAL ADMINISTRATION:** The September 10, 2012 committee meeting notes were reviewed. Graf moved, seconded by Bruce, to approve vouchers 988-1166. The motion carried.

The Budget Status Report was reviewed.

**PARKS AND RECREATION:** The August 15, 2012 committee meeting minutes were reviewed. Harrington moved, seconded by Bruce, to reduce the rental fee for mooring spaces at the Courtesy Dock from \$10/day to \$5/day. The motion carried.

Eiche moved, seconded by Bruce, to explore the recommendation to restore a portion of the North Landing above the buffer zone to its former park-like condition. The motion carried.

**NEW BUSINESS:** Bruce moved, seconded by Eiche, to adopt the following revision to the Shell Lake Zoning Code: Add to Sec. 13-1-140 ACCESSORY USES OR STRUCTURES "Sec. 13-1-140(m) Provided however this section shall not apply to public schools located in residential districts." Upon a unanimous vote the motion carried.

A claim for dog damage to sheep submitted to Washburn County from Elaine Brown was reviewed. Eiche moved, seconded by Graf, to approve the claim. The motion carried.

**EXECUTIVE COMMITTEE:** The August 27, 2012 committee meeting minutes were reviewed. Schultz moved, seconded by Leckel, to go into a closed session pursuant to WI Stat. 19.85(1)(c) to discuss the committee's recommendations pertaining to the Chief of Police position. Upon a unanimous roll call vote the motion carried.

The Council reconvened in open session.

Bruce moved, seconded by Schultz, to postpone consideration of the Chief of Police recommendations and to schedule a special City Council meeting for September 25, 2012 at 5:00 p.m. to consider this matter. The motion carried.

Graf moved, seconded by Eiche, to adjourn at 9:30 p.m. The motion carried.

Sally L. Petersen, Mayor

Brady A. Pederson, City Administrator