

**REGULAR CITY COUNCIL MEETING
CITY OF SHELL LAKE
September 10, 2018**

Mayor Peterson called the meeting to order at 7:00 pm. Council members present were Smith, Edlin, Anderson, Schultz, Harrington and Leckel. Andrews and McCumber were absent. Also present were Andrew Eiche, Mitch Brown, Dave Wilson, Bill Jenderny, Danielle Danford, Christine Seaton, Clint Stariha, Pat Bahrke and Gerald Bahrke.

Smith moved, seconded by Schultz, to approve the minutes from the Regular City Council meeting held on August 13, 2018. Motion carried.

Mayor Peterson opened the Public Hearing on the requested amendment to Ordinance 13-1-200(4)(b) and (h) – Amending the ordinance to permit RL-1 and RL-2 owners the ability to construct a detached accessory in the “rear” yard (forward of the “front line” of the principal structure) on RL-1 and RL-2 properties, as long as the property requesting the building permit meets all present setback requirements, and, the detached accessory building be limited in size to the following parameters: Height – 8 feet maximum; Area – 120 square feet maximum.

Clint Stariha, Zoning Administrator, read the notice.

Anderson moved, seconded by Edlin, to table the Public Hearing. No vote was taken. It was decided after discussion by the governing body members that it would be inappropriate to table the public hearing. Discussion regarding the request took place among the governing body members. Smith asked if an 8' x 10' structure requires a building permit. Stariha responded no, but even without a building permit, a person must get approval for the structure. Smith asked if current set back requirements would still be the same. Stariha replied yes.

Peterson closed the public hearing.

Schultz asked how the decision was made on height restrictions and gave reasoning to support a higher structure. Stariha responded by saying the City Attorney told him he had to put down size parameters in his petition, and so he chose 120 square feet with an 8-foot maximum height.

Anderson asked where the request for this ordinance amendment came from. Stariha explained how it originated when it came to his attention that 61 properties were currently out of compliance with current ordinance. Anderson stated, “And so it wasn’t enforced, and now we are amending an ordinance?” Anderson went on to voice concern over light pollution, impervious surface and how many people were concerned.

Edlin informed the Council that the Plan Commission spent only 3 minutes on the topic before making their recommendation.

Discussion took place regarding height. Schultz argued 10 feet high. Stariha asked if height was from the ground. Discussion took place. Schultz agreed to 10’6” maximum height from the ground.

Schultz moved, seconded by Harrington, to amend the Ordinance 13-1-200(4)(b) and (h) – Amending the ordinance to permit RL-1 and RL-2 owners the ability to construct a detached accessory in the “rear” yard (forward of the “front line” of the principal structure) on RL-1 and RL-2 properties, as long as the property requesting the building permit meets all present setback requirements, and, the detached accessory building be limited in size to the following parameters: Height – 10’6” maximum; Area – 120

square feet maximum. Discussion took place. Harrington asked if the set backs will still be 75' back from the ordinary highwater mark. Stariha responded yes. Anderson commented, "We will be encouraging landowners to build more structures. We will increase pollution to our lake. Where will gas be stored?" Harrington commented, "If this was any other lake in the county, this would be allowed?" Smith asked what would be done to address the existing accessories that are not in compliance. Stariha responded, "We will be sending all property owners with structures already in place a letter to inform them they may be out of compliance and take necessary actions." Smith asked if the set back was always 75 feet. Stariha responded no, it used to be 100 feet.

Roll call vote was taken: Smith – Yes, Edlin – No, Schultz – Yes, Harrington – Yes, Leckel – No, Anderson – No. As the vote was tied, Peterson cast the deciding vote – Yes. Motion carried 4 to 3.

Public Comment: Pat Bahrke requested to distribute a letter she had written to the governing body. After deliberation, the Mayor agreed to allow the letter to be distributed. Pat Bahrke went on to explain how she had suffered an injury when she was thrown from a City picnic table. She said she is not filing a claim against the City, but would like the City to fix the tables. Pat Bahrke also mentioned how the Insurance agent recommended not fixing the tables, but she hopes the City will.

Mitch Brown presented the Public Works Director Report. A discussion ensued regarding the lack of progress from Gary Strand with Cooper Engineering since the Public Works meeting which was held the previous Wednesday. Discussion was had to consider legal action. Schultz responded, "Temper this frustration. Litigation is the last thing we want. We pay Cooper to negotiate, not an attorney. Let's see what they come up with first." It was decided to have Mitch Brown talk with Gary Strand tomorrow and request he come forward with a game plan on when the work will be completed and what the negotiated cost will be.

Wilson presented the Police Chief Report.

Peterson presented the Zoning Administrator report.

Leckel handed out the Library minutes and introduced the library Director, Christine Seaton. Seaton requested the need for new carpet in the library and stated the library does has funds, but would like the City to participate at budget time. Seaton went on to ask the Council if there were any suggestions for budget preparation. Smith requested that the library keep in mind the handcuffs the City has due to levy limits imposed at the State level. Smith continued, "Your pitch is better placed in Madison." Seaton responded that she will be trying to eliminate unrealistic requests at the next budget meeting.

Anderson presented the Lake Protection Advisory Committee minutes. He pointed out the first waive of water samples all came back "non-detectable." He and Mitch Brown just recently took the second waive of tests and are now waiting for the results. Anderson brought up the committee's discussion on power launching at the "A" access. Wilson suggested that the police department be notified when a person violates, and he would have his department promptly report the incident to Warden Hagen. Harrington voiced concern over the abilities of the DNR to promptly respond to a violation. It was decided the issue would be referred to the Public Works committee.

EXECUTIVE/HR COMMITTEE: No meeting.

GENERAL ADMINISTRATION: Edlin moved, seconded by Smith, to approve the following ordinance amendments:

- Public Depository Ordinance
- Social Host Responsibility Ordinance

- Noticing of Special Meeting of the Common Council Ordinance
- Habitual Parking Violators Ordinance
- Exempting Improvements Donated to the City from Competitive Bidding Ordinance

Discussion ensued. Chief Wilson explained how the ordinance amendment Habitual Parking Violators Ordinance was not required and felt it would be unnecessary to add to the City's Code of Ordinances. Schultz moved, seconded by Smith, to amend the motion to remove the Habitual Parking Violators Ordinance. Edlin asked, "Why not leave it in there for the future?" Vote was taken, the motion carried unanimously. Vote was taken on the original motion as amended. Upon unanimous vote, the motion carried to approve the following ordinance amendments:

- Public Depository Ordinance
- Social Host Responsibility Ordinance
- Noticing of Special Meeting of the Common Council Ordinance
- Exempting Improvements Donated to the City from Competitive Bidding Ordinance

PUBLIC WORKS: Schultz presented the minutes. Shultz presented the bid from Jim Perlick for the ATV campground pavilion. Schultz moved, seconded by Anderson, if it can be put together, we accept Perlick's bid of \$25,820.00, subject to determination that the site is suitable to build on tomorrow, September 11, 2018, after Brown meets with Cooper Engineering. Roll call vote was taken: Anderson – Yes, Leckel – Yes, Harrington – No, Schultz – Yes, Edlin – No, Smith – Yes. Motion carried.

Schultz explained the need for the City to borrow funds in order to complete the ATV campground project. Schultz moved, seconded by Anderson, to approve the borrowing of funds to complete the ATV campground, not to exceed \$250,000.00, with the revenues of the Shell Lake campgrounds acknowledged as the primary source for paying back the debt. Roll call vote was taken: Smith – Yes, Edlin – No, Schultz – Yes, Harrington – Yes, Leckel – No, Anderson – Yes. The motion carried.

Schultz voiced concern that the previous vote may have required a vote of yes by all 6 present members. Leckel moved, seconded by Edlin, to approve the borrowing of funds to complete the ATV campground, not to exceed \$250,000.00, with the revenues of the Shell Lake campgrounds acknowledged as the primary source for paying back the debt. Roll call vote was taken: Anderson – Yes, Leckel – Yes, Harrington – Yes, Schultz – Yes, Edlin – Yes, Smith – Yes. The motion carried unanimously.

PARKS & REC: No meeting.

FINANCIAL ADMINISTRATION: Minutes and Budget Status Report were presented by Smith.

Smith moved, seconded by Edlin, to approve vouchers 2769-2940. Motion carried.

MAYOR'S REPORT: Peterson informed the Council she would be scheduling an Exec/HR meeting in the near future.

Leckel moved, seconded by Harrington, to adjourn at 9:20 pm. The motion carried.

Sally Peterson, Mayor

Andrew Eiche, City Administrator/Clerk/Treasurer