

**Lakeland Shores City Council Meeting**  
**June 12, 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:**

Mary Cedarleaf, Steve Schmig, Fay Lind, JoAnn & Chuck Eichacker, Linda & Tom Wilson, Theresa Shannon, Tim Shannon, Tim Schroeder, Gabe Kemling, Tom Savage,

**Mayor Havey opened the Public Hearing at 7:00 p.m.**

**Public Hearing on Adoption of New Zoning Ordinance**

City Attorney Kelley provided an overview of the zoning ordinance. There are currently four zones in the City. One way to simplify the zoning ordinance was only have two zones. Kelley and Tom Savage, Zoning Administer, spoke and agreed it wouldn't be easier to have fewer zones therefore the zones will not change. The new zoning ordinance will clearly define and identify processes.

JoAnn Eichacker is concerned why the city is rezoning because all of the lots are fully developed. Kelley clarified at the time of the public notice the council wanted to simplify the zoning ordinance and have only two zones instead of four. Kelley stated once again the zones will not change.

Mayor Harvey closed the public hearing for the zoning ordinance at 7:11 p.m.

**Mayor Harvey opened the Public Hearing at 7:11 p.m.**

**Public Hearing on Adoption of an Adult Entertainment Ordinance**

Kelley provided background information. Most cities do not like strip clubs in their cities. Reports have been done by St Paul, Rochester, Phoenix and all around the country indicating crime, sexual assault increases whereas property value decreases. The City is allowed to limit the location of such an establishment in Zone D. Unfortunately there are residential areas in Zone D. The Council must state reasons why the City would need an Adult Use Ordinance. Currently the law is written that an establishment must be 300 foot radius from Zone C on each side. There is an area in Zone D where this type of establishment could be allowed. Kelley encouraged the Council to look at the resolution and discuss the findings.

JoAnn Eichacker asked about keeping this away from the school. Kelley mentioned the school was a primary concern as well as residential areas. Mary Cedarleaf asked if there was only one

area in Zone D. Tim Schroeder said some cities have adopted ordinances that state these establishments need to be a certain area away from schools. Schmig asked where the property was located. Kelley did not indicate a specific area and reiterated tonight's purpose was to understand the findings. Schmig said that the Council was opening a can of worms by publishing it in the paper. Kelley stated by law a public notice was needed. Kelley stated the City can't deny adult use and advised the Council to adopt Resolution 2003-06-01.

Mayor Harvey closed the public hearing for adult entertainment ordinance at 7:23 p.m.

### **June City Council Meeting Call to Order**

Mayor Harvey called the meeting to order at 7:23 p.m.

### **Review and Approve May Minutes**

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

### **Old Business**

#### **New CUP for cable business located on St. Croix Trail –**

City Attorney Kelley sent a letter to Stanke regarding the CUP. Additional information will be provided at the July meeting.

### **New Business**

#### **Church of the Incarnation – pull tabs at Schmig's Sports Bar and Grill**

Fay Lind, Church of the Incarnation located in Minneapolis. Lind has sold pull tabs for the last 5.5 years. This is a charitable gambling operation which is run by the book. They keep current with laws and have lobbyists at the legislature. All proceeds go to homeless shelters, food shelves and anyone is welcome.

Lind received a call from Steve Schmig months ago asking for her to set up pull tabs in his establishment. The previous pull tab operation did not work out. Wilke asked about the profits. Lind stated last month Woody's in Bayport deposited over \$17,000 the amount did not include rent (rent fee includes a percent of garbage and cleaning costs.)

Schmig felt the previous pull tab people didn't work out because it was run by volunteers not paid employees. They had problems trying to find volunteers and people wouldn't show up for work. Schmig did not have problems with the previous occupants but they couldn't make it work. Schmig feels he still needs pull tabs for his customers.

Wilke asked if pull tabs were a failure the first time, why does Schmig think it would work this time. Schmig feels the first pull tab operation didn't have the money and backing, and he needs it for his business. This would help the business and help his customers.

Tom Niedzwiecki mentioned the City can require 10 percent of the profits. Kelley stated there needs to be an ordinance which can require net profits to the City. Mayor Harvey stated the first pull tab people were from the valley and the proceeds stayed in the valley. Tim Schroeder asked

if most cities take a percentage from pull tabs. Lind said the Cities Stillwater and Bayport take a percentage and Wilke said so does Oakdale. A certain percentage goes to sports. Schmig mentioned the local people go to his bar and other people from the surrounding area. He is starting breakfast to try and enhance his establishment. Savage stated his CUP states the bar opens at 10:00 a.m.; therefore he needs to amend the CUP prior to serving food. Schmig thought the City would like to have more food in the area.

Givens doesn't have a problem with running the pull tab operation. She researched the organization on the internet. Because the church is located in Minneapolis, she would like to see a certain amount returned to the City and valley and the rest could go to the shelter. Savage also stated she doesn't have a problem with the Lords work being done. People are needy and hungry everywhere and hates to see someone not benefiting from that. Lind stated if someone is hungry they can go to her church. She doesn't like the thought of the proceeds going to sports when people are starving. Wilke mentioned having the percentage go food shelves in our area. Kelley stated the council doesn't have the authority and cannot approve tonight because there is not an ordinance in place. Givens asked if we could approve this tonight or does the resolution need to be in place first, Kelley stated yes, the City can approve the pull-tabs by this organization contingent on the adoption of the ordinance.

Lind mentioned they have all of the paperwork ready and wanted to get this approved. They want to get approval tonight as the application process to the State is lengthy and she would like to get the ball rolling. Lind stated anything over \$6,000 is profit. The first few months are hard because you need to build your clientele. Givens asked how long it would take to see if this was working. Lind said they don't give up. If you're not making our expenses in 3 months we re-look and try and fix the problem. We will give it a 100 percent effort. The difference is volunteers and paid employees.

Kelley stated if the council wants to adopt a resolution tonight approving the application by the church upon the condition if the city adopts an ordinance pay the maximum amount or whatever percentage the council decides. This would get the church into Schmig's business sooner. Jarvis questioned if there would be any drawbacks and what would the ordinance look like. Kelley stated the ordinance would go through the state. Schmig asked if 10 percent is maximum and feels it is extremely high percentage to go to the City. The City is allowed up to 10 percent net profit.

Savage motioned that the Church of the Incarnation run a pull tab operation and based on the resolution that Kelley prepares a maximum of 10 percent would go to the city upon adoption of an ordinance; Givens seconded; discussion; Wilke asked if this includes bingo, Lind said no only pull tabs and meat raffles; hearing no further discussion; motioned carried.

### **Rendering for County Road 18 –**

Mayor Harvey reported on the Mayor's Alliance concern with rendering County Road 18. County Road 18 needs to be resurfaced within the next couple of years and the Mayor's Alliance is concerned that the County will do whatever they want. A few mayors attended a meeting with the County where the County proposed resurfacing three lanes with a middle turn lane. Speed was an issue. Givens stated she does not like medians that prohibit crossing or turning at some

intersections. Mayor Harvey has an idea of what the road would like 20 years from now with a median and trees down the middle. Lakeland has approved to spend up to \$2,000 for this study; St. Mary's Point and Lakeland Shores cost would be \$750 each. The costs are based on population and figuring the City of Afton would not participate. Givens asked if the other cities would go in on this. Mayor Harvey feels the council should meet with the County first. Wilke feels the details are sketchy and needs more information. Savage mentioned she contacted two County engineers who thought it was the biggest waste of money and if the Cities had \$5,000 to throw around they would love to have it. The County was upset that they were not invited to the Mayor's meeting. They also said the County would always talk to the Cities before doing anything. Savage suggested the City Engineer meet with the Mayor's Alliance. Givens is also interested in meeting with the County. Savage mentioned the cross walk study; there were daily readings which was part of the short-term study. The County doesn't have the money to resurface as promised. The bridge by Afton is postponed again because of lack of money. Givens asked if there was anything we could do in the interim. Tom Savage said another meeting would be held for public input. Givens asked Tom Savage to notify the council with the dates of these meetings.

**Jon & Ann Whitcomb Application for a Variance** – public hearing will be scheduled for July 10 at 6:30 p.m.

**Washington County Sheriff Report** – Kelley will contact the County regarding the sheriff representation at the City Council meetings.

#### **Treasurer Report**

- Niedzwiecki reviewed the financial reports from the previous month.
- Discussed workers comp insurance coverage for elected officials requires a resolution passed by the City Council. Kelley will draft a resolution for next months meeting.

#### **Resolution 2003-6-1 Adult Use Ordinance**

Savage motioned to approve resolution 2003-6-1; Jarvis seconded the motion; discussions: Wilke wanted clarification of the law; Kelley clarified; no further discussion; all ayes; motion carried.

#### **Zoning Ordinance**

Wilke motioned to adopt the new zoning ordinance; Jarvis seconded the motion; no discussion; all ayes; motion carried.

#### **Codification**

Kelley mentioned publishing the zoning ordinance. Because of the size of the ordinance, the law provides a codification process that he will present next month. Once everything is approved, the Council follows the codification process and publishes the ordinance in the newspaper. Jarvis directed the City Attorney to provide the Council with the codification process.

#### **Attorney Report**

- Conceal and Carry Law. There have been numerous changes within the law. The city has no right to ban handguns from the City meetings. Some cities post signs which state "Guns not

Welcome Here”. Cities can take steps to ensure employees safety. Cities can ban employees from carrying guns.

- Ordinance 67 Liquor License – legislature permitting bars to be opened until 2 a.m. Kelley reminded the City, they have the authority to limit the closing time. The City needs to approve the 2 a.m. closing time and the applicant needs to get a permit from the state. Addition is Subd. 2 extend the hours to 2 a.m. Monday through Saturday. If you want to extend the closing hours on Sunday a public hearing needs to happen. Schmig stated he does not plan to stay open until 2 a.m.
- Greer variance permit for Greer property – Givens confirmed the approval of the Greer variance permit; council approved Kelley to file with the County.
- Discussed Ordinance 53. Givens stated we are required by statute to follow the State’s building code. The ordinance will be discussed at the July meeting. Givens motioned to approve Ordinance 53; Savage seconded; no discussion; motion carried.

### **Breakfast and Volleyball Court at Schmig’s Sports Bar & Grill**

Schmig spoke with Mr. Kelley regarding the volleyball court out back of his establishment. Schmig would like to get approval from the City to open the bar at 6:30 a.m. or 7:00 a.m. to serve breakfast Monday through Friday until 10:30 a.m. or 11:00 a.m. then serve burgers. Kelley stated Schmig needs to amend the CUP for the volleyball court and hours because it changes the specifications to the CUP. Schmig’s goal is to open Monday through Friday at 6:00 a.m. Wilke has concerns about opening the bar early in the morning specifically on the weekends. Schmig stated he would not open the bar until 6:00 a.m. Monday through Friday. Schmig needs to submit an application along with \$100 which is nonrefundable and \$500 deposit for incurred expenses. A public hearing was scheduled for July 10 at 6:30 p.m. Mayor Harvey advised Schmig to contact the council before he makes changes to his establishment; the Council would rather work together with him.

### **Road Commissioner Report**

- Tom Savage discussed the County overcharging the City. Savage is working with Thieson and the City will be reimbursed \$500. Savage explained the City was charged for a lot of St. Mary’s Point bills.
- Received a call from Wally Robins regarding a tree replacement. Last fall his neighbor Berkland asked the council for a tree because the City needed to remove a tree located near the road. Robins asked if the tree located near his property would be replaced. Savage will contact Robins and ask him to make a proposal to the Council.

### **Fire Representative Report –**

- Theresa Shannon reported on the June 11 Fire meeting. Construction for the new building is on target.
- 2004 budget will be brought to the board next month.
- One of the pumper trucks needs to be replaced so they made a motion to replace it as soon as possible. They discussed leasing vs. buying. The current truck is estimated at \$75,000 and a new truck would take four to eight months to build at \$400,000. The advantage of replacing the truck now is the resale value. Tanker truck also needs to be replaced within the next five years.

- Mayor Harvey mentioned at the last Mayor's meeting the Fire Department has discussed freezing their budget.
- Shannon mentioned her appointment runs out at the end of June.

Savage motioned to appoint Theresa Shannon as the Lakeland Shores Fire Board Representative; Wilke seconded; all in favor; motion carried.

**Clerk Report –**

Heldt reported she will be out of town for two weeks and will change her answering machine to refer Lakeland Shores callers to the Savages.

**Council Reports**

**Givens –**

- Will provide information next month on the Watershed Public Input meeting.
- Received the Animal control report – no expenses this month.
- Mentioned a lot of dogs are not licensed in the City. Givens will draft something for the Web site reminding people to license their animals.

**Savage –**

- Attended the cable meeting last night. There was discussion regarding video taping every meeting. The cities have one camera that circulates between the cities. The cameras will be located at the school. They are also looking into a microphone system.
- School Board elections are this fall. The County has requested the City to oversee the election process.

**Mayor Harvey –**

- Reported on the Mayor's meeting.
- Discussed the water tower.
- The end of July the five cities would meet together to go over the budgets to review the State impact of cut backs on cities in LSCV, County would talk about impact of legislative changes and what they would mean to the cities.

**Review and Approve Bills and Invoices**

Wilke motioned to approve the bills and invoices; Jarvis seconded the motion; all ayes; motioned carried.

**Adjourn**

Wilke motioned to adjourn the meeting; Savage seconded the motion; all ayes; motioned carried. Mayor Harvey adjourned the meeting at 10:06 p.m.

Respectfully submitted,

Joan Heldt  
City Clerk

Bob Harvey  
Mayor