

MINUTES
Regular Meeting of Lake Shore City Council
Monday, September 26, 2016
7:00 PM Lake Shore City Hall

Mayor John Poston called the September 26, 2016 Regular City Council meeting to order at 7:00 p.m. The pledge of allegiance was recited.

Roll Call: Mayor John Poston. Council Members present: Earl North, John Terwilliger, Krista Knudsen and Doug Miller. City Attorney Dan Hawley; City Engineer Dave Reese; City Administrator/Planning and Zoning Administrator Teri Hastings; Police Chief Steve Sundstrom and City Clerk Patti McDonald were present. There were 37 people in the audience.

APPROVAL OF MINUTES

MOTION BY DOUG MILLER TO APPROVE THE AUGUST 22, 2016 REGULAR CITY COUNCIL MINUTES AS PRESENTED. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY KRISTA KNUDSEN TO APPROVE THE SEPTEMBER 22, 2016 SPECIAL BUDGET COUNCIL MINUTES AS PRESENTED. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

REPORTS

Police/Fire Report – Chief Steve Sundstrom

Incident Report - From August 22, 2016 to September 25, 2016 there were 206 incidents in the City. There were 131 traffic-related incidents and 75 were miscellaneous department activity.

Mayor's Report– John Poston

City Hall Building Committee Update – Teri will be sending the council information to schedule a special council meeting to review the building assessment performed by WSN.

Clerk/Treasurer's Report – Patti McDonald

Financials – MOTION BY DOUG MILLER TO APPROVE THE AUGUST FINANCIALS AS PRESENTED (CLAIM NUMBERS 34688 THROUGH 34796 – TOTAL \$104,412.38). EARL NORTHSECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Appoint Election Judges – The State of Minnesota general election is November 8, 2016. Six people have attended the training to be an election judge for the City of Lake Shore. They are Carol Greaves, Clara Fulton, Sheila Farrell Johnston, Robert Toborg, Dick Miles and Linda Halverson. We need five people at city hall throughout the day. By appointing six people will allow for breaks, lunch and replacement if someone were unable to be here.

MOTION BY JOHN TERWILLIGER TO APPOINT THE SIX ELECTION JUDGES AS PRESENTED FOR THE NOVEMBER 8, 2016 GENERAL ELECTION. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

City Administrator/Planning & Zoning Administrator – Teri Hastings

Local Board of Review – Teri received a letter from Mark Peterson, Cass County Assessor regarding the Board of Review. The city can opt out of holding the Board of Review and the county will provide an alternative review option for the Lake Shore property owners. If the city decides to continue with the Board of Review we do need to have at a minimum one member of the council certified. John Terwilliger, John

Poston and Krista Knudsen are certified until July 2017. The city will be in compliance for the 2017 Local Board of Review after the November election. Incoming City Council members can be certified by taking the on-line training.

MOTION BY JOHN TERWILLER TO CONTINUE TO KEEP THE BOARD OF REVIEW LOCAL AT CITY HALL. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Adoption of 2017 Preliminary Levy and Budget – The proposed preliminary levy is at \$759,682 which is a 4% decrease from 2016. The overall budget is up 1.6% from 2015. The proposed budget includes a 2.5% cost of living increase for employees.

The preliminary levy and budget must be certified to the county by September 30th along with the truth in taxation hearing date.

Monetary requests (contributions). A request from the Initiative Foundation has been made for \$1025.00.

The capital outlay portion of the budget includes \$50,000 (sewer equipment) for sewer projects.

Changes to the levy and budget can be made after the Preliminary levy and budget are certified but the proposed levy cannot increase.

MOTION BY DOUG MILLER TO ADOPT AND CERTIFY TO CASS COUNTY THE 2017 PRELIMINARY LEVY AT \$759,682.00 AND 2017 PRELIMINARY BUDGET AT \$976,746. JOHN TERWILLIGER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Set and Announce Truth and Taxation Date – The city needs to set the Truth in Taxation meeting dates for the 2017 levy and budget. Teri's staff report recommended holding the Truth and Taxation meeting on December 19th at 7:00 p.m. The regular December meeting of the City Council will need to be changed due to Christmas falling on a Sunday which means Monday is the designated holiday (December 26th).

MOTION BY KRISTA KNUDSEN TO SET AND ANNOUNCE THE 2017 TRUTH IN TAXATION HEARING ON DECEMBER 19, 2016 AT 7:00 P.M. AT LAKE SHORE CITY HALL. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Appointment of Arla Johnson to Planning and Zoning Commission – Arla Johnson submitted an application expressing an interest in being appointed to the Lake Shore Planning and Zoning Commission.

MOTION BY JOHN TERWILLIGER TO APPOINT ARLA JOHNSON AS AN ALTERNATE TO THE LAKE SHORE PLANNING AND ZONING COMMISSION. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

August Minutes and Permit Summary – Teri provided the August minutes and permit summary for review.

Wastewater/Road Committee – John Terwilliger said the city has quite a few roads where the pavement on the shoulder is washing away with all the rain we've had this season. He said that Rardin Excavating was going to start working on the damaged and leaning trees; however, some of them are leaning over the power lines and will have to be removed with a bucket truck. Some of the tanks at the drainfields will be pumped and applied to over the drainfield on October 5th and 6th, so if you are down wind, we are sorry for the inconvenience.

Quote for Crack Filling on Pamela Drive and Wienzel Point Road – WSN provided a quote from Anderson Brothers to patch the roads with a relatively new material called poly patch. Dave said it is probably higher priced than the rubberized sealer that has been used in the past. The Mayor asked if this is something that needs to be done relatively soon. On Pamela Drive there is 270 lineal feet of cracks that need to be sealed

for a total of \$4,053.12 and Wienzel Point Road had 872 lineal feet to seal for a total of \$10,319.23. John Terwilliger suggested waiting until the Council had more time to consider the options. Teri asked if there is other material available. The Mayor asked Dave to look into other material options and pricing for the October Council meeting.

Wastewater Monthly Report – PRASD – The operations report for September was included for review.

August Minutes – The August minutes were included for review.

Park and Recreation Committee – Krista Knudsen said the committee met in September.

Approve Proceeding with Conservation Partners Legacy Grant - Kathy Moore attended and shared a grant opportunity from the Conservation Partners Legacy to help clean up the park and trails. Krista said with the storm this summer the park is kind of a mess right now. The initial phase of the grant would have a forester come out to determine an action plan i.e. do we need to clean it up, is it a fire hazard, should we replant, is safety an issue, and the health and the life of the park. The price for the forester would be about \$200. Teri said that is correct and there is another grant through Cass County Soil and Water that would help with the forestry plan. Kathy Moore volunteered write the grant.

MOTION BY JOHN POSTON TO MOVE FORWARD WITH THE CONSERVATION PARTNERS LEGACY GRANT APPLICATION. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Meeting Time Change – Krista said it works better for committee members to meet at 1:00 p.m. on the third Monday of the month on a quarterly basis.

June Minutes – The June minutes were included for review.

Environmental Committee – Doug Miller said the committee met last week and discussed prior business; there was nothing new to discuss.

August Minutes – The August minutes were included for review.

Trail 77 Team – John Poston had nothing to report.

Personnel – John Poston/Earl North – There was no personnel business.

City Attorney – Gammello, Qualley, Pearson & Mallak – The Mayor introduced Dan Hawley and he reported that he is waiting for a landscaping plan from the attorney representing the Stoneridge vegetation removal issue.

City Engineer – Widseth Smith Nolting – Dave Reese said he had nothing to report.

OLD BUSINESS – There was no old business.

NEW BUSINESS –

Website Proposal – GovOffice provides website services to many communities in Minnesota. After reviewing many websites that GovOffice has set up, Teri and Patti felt it would be a good fit for our community needs. Their website has many featured sites to review along with testimonials. In addition, there is an email host proposal for your consideration. Currently, the city has five email accounts. The email accounts are \$50 per account each year. The Mayor asked if this website company will do what was discussed at a previous council meeting. Teri said it does and they have 24/7 customer assistance.

MOTION JOHN TERWILLIGER TO ACCEPT THE PROPOSAL FROM GOV OFFICE AND MOVE FORWARD IN THE CREATION OF A NEW CITY WEBSITE AT AN ANNUAL FEE OF \$1,595.00 EACH YEAR AND RENEWED AT THE SAME PRICE FOR A TOTAL OF SIX YEARS. TO INCLUDE THE 5 EMAIL ACCOUNTS PROPOSAL. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Radon – City Hall – Teri said we contacted and met with a Radon specialist last Friday. He explained that there are cracks in the transite duct system and that has to be repaired before they put in a system that pulls the air/heat/radon out from under the foundation. He said if they put the system in, it would rob the heat from the ducts. There are holes in the foundation outside and when it rains the water leaks into the duct work. Earl asked if there will be a report from the radon inspector indicating his findings. He did tell Teri he would email her a report; however, he was here on Friday and nothing was received today.

ANNOUNCEMENTS/PUBLIC FORUM – Teri read the procedures for public forum that should be followed this evening. Teri was specifically asked by two letter writers to be read into the record. Bill Jones and Tim Moore were opposed to Muskie stocking into Gull Lake. There were 4 other letters received stating an opposition to Muskie stocking into Gull Lake.

Franklin Driessen read a letter from Kris Driessen who opposes any stocking of Muskie into Gull Lake. She asked the council to rescind their motion from the June Council meeting.

Sheila Johnston, 7693 Lost Lake Trail, came before the Council and read a letter into the record stating her opposition of stocking Muskie into Gull Lake.

Grete Eliassen represents (Change.org Stop DNR from stocking ‘Muskie’ into Gull Lake Chain of Lakes representative – A friend of Gull Lake Petition) a group that has a petition with 948 signatures in opposition of stocking Muskie into Gull Lake. Grete passed the petition around for the council along with supporting comments that share the same concerns about introducing Muskie into Gull Lake and believe it should not happen.

All of these letters are attached to the record in the Lake Shore City Clerk’s office.

Earl North pointed out at the June Council meeting that the resolution acted on was requested by the DNR and he confirmed that this action is suggesting that the City and the DNR remain to have a working relationship. He said that the DNR isn’t asking the city’s approval, the Commissioner makes that decision; the only way to stop that is full legislative action. He said we’re not that legislative body. He said there are a lot of special interest groups that influence what is done on the lake and it is not just Muskie Inc. He said there is a request for an EAW which hasn’t been that hasn’t been acted on yet. He said what this group is asking them to do isn’t going to change the DNR and the state units of government are going to do.

Uldis Birznieks, 11298 Birch Island Road, East Gull Lake, Chairman of the Gull Chain of Lake Association commented that the verbiage in the resolution supported the DNR’s actions to stock Muskie in Gull Lake. He said that he believes that Lake Shores support was key in the MN DNR to move forward with their initiative. He also said that Cass County would only vote if the majority of their constituents were all in support. Krista Knudsen said that she grew up in Fairmont MN (another city where there is a lake listed in the Muskellunge Initiative) that city council voted 100% against the Muskie stocking with 100 people in their audience against Muskie stocking and they will have Muskie stocked into their chain of lakes. Uldis said he is talking about the county level. Krista said this is the city level. She also said that her comments at the June meeting wondered where people were against stocking of Muskie. They weren’t invited. She said the city is working on getting more information onto the website.

John Poston said there was a GCOLA member at the June meeting that was in support of stocking the Muskie. The next month there was a group was here in opposition of the Muskie stocking. The council

didn't change their decision then and they have heard over 3 hours of pros and cons to the stocking of Muskie into Gull Lake.

Tom Spicola asked with all the new information why can't the council have a revote. John Poston said that the Council has already been through this and the DNR has jurisdiction over the water and a new decision wouldn't change the outcome of the stocking of Muskie's into Gull Lake.

Earl North said that the item would have to be on the agenda before a revote is taken and that is parliamentary procedure. It will not happen tonight. Cass County has always and consistently not voted on an issue when they don't have complete support of the units of government. He said that some of the assumptions are not factual and somewhat offensive. Earl defended the integrity of council and staff members; he said that the council has had two complete and thorough hearing on the subject. Grete and Sheila want to know why 948 signatures don't make a difference. Earl said that it not all Lake Shore residents. Grete said that 167 of them are. Earl said they call Muskie fisherman 'lake hoppers'; Walleye fisherman also lake hop. He said they're putting a bad name on a small group of people who have a sport fish that they like to fish. Sheila said that her Great Grandfather J.W. Collins had the world record Muskie in Minnesota from 1931 to 1976; a well-respected fisherman and sportsman in Minnesota. He caught in Lake of the Woods where the Muskie is native. She just doesn't want an nonnative fish added to the Gull Lake Chain, a lake already infected with AIS. John Poston said that Muskies are native to the lake.

Tom Spicola read the Mission Statement of the DNR into the record. 'To protect, maintain, enhance, and restore native nongame wildlife resources for their intrinsic values, ecosystem functions, and long term benefits.' He said that Walleye Dan uses baby loon lures to fish muskies. Gull Lake has baby loons and Muskies eat baby loons on a regular basis. Tom apologized for any assumptions that are out there regarding John and Krista.

John Poston spoke for Krista and himself saying that while they sit on the city council they remove themselves from their business when making decisions for the city. John said Krista and her family live here and volunteer in this community. They always remove themselves from the vote when it would affect their business. They are both offended by the accusations.

Tom Spicola said that some of the comments they are hearing show the level of frustration and confusion in the community. Teri said that Jim Moe had the opportunity to come in August rather than July (while GCOLA had there GALA); Jim chose to meet with the Council in July. Tom Spicola said they just want to be heard and understands that there is definitely a disconnect between here and now and parliamentary procedure has to be followed; they just want to be heard and a possible revote Steve Sundstrom asked how this issue went in Crow Wing County. Uldis said the issue didn't come before Crow Wing County because they have only 25% of Gull Chain owners. Teri wanted to confirm that what Uldis said earlier about the DNR Commissioner being influenced by Cass Counties vote. He said he felt that if Cass County would have been in opposition to the stocking He believes that would've had a significant impact in regard to the DNR's decision for the Gull Chain. Teri said it doesn't make sense because Cass County didn't consider a vote until August 16th which was not acted on and they chose not to take up the issue at their September 6th meeting and the DNR Commissioner made his decision on July 25th.

Roger Lykins, 1414 Pinehurst Lane, of Lykins Pinehurst Resort and been in the resort business for 40 years. He said the first he heard about this was after the fact and talked to the Mayor shortly after the vote said he's disappointed in a comment in that it won't really matter because the DNR needs legislative approval before they can stock Muskies. John said he has told him a couple times that he misunderstood something and gave the wrong information. He asked Roger what his reason is for not wanting Muskies in Gull Lake. Roger said he feels Walleyes are much more important than Muskies. John said the DNR believes that too. Roger said that since the introduction of zebra mussels the Walleye fish are going down. He feels the small fish are going away. He said that 20 years ago the Walleye fishing was good and his guests could catch them. Roger said that it's because of the Muskie if the Walleye declines. John said there is a misconception that the DNR is going to concentrate on Muskies and stop stocking Walleyes; they're not going to stop the Walleye stocking.

Jim Kath, 937 Whitney Court, said he is one of the disrespectful people that call himself a Muskie fisherman. He has been an educator in the Brainerd Lakes area for the last 17 years; he's the head wrestling coach and he has been involved in multiple community activities. He said there have been so many defamatory remarks being thrown about the integrity of the council; as well as other people and those being fisherman. He said he is a fisherman that fishes for all fish including Muskies; he fishes Gull Lake maybe 30 to 50 times a year. He said the defamatory remarks are also being made about the DNR. He also serves as the President of the Brainerd Chapter of Muskies Inc. and he volunteers at many functions that support the community and youth fishing. He said he fishes for Muskies and all species of fish and so do the other guides. He said if they thought adding Muskies to Gull Lake would destroy the lake they wouldn't be for it. He said that people have hung their hat on a study on the 54 inch super Muskies. He said there is zero evidence to support Muskies will destroy Gull Lake; they will not decimate the loon population (he said that's an untrue statement). He understands that the people here are passionate about what they believe in. Jim commends the council on the decision they made and he hopes they continue to make decisions based on sound science. He said this is a council meeting; he will visit with anyone that has questions of him after the meeting.

Uldis said that the MN DNR is funded by licenses and MN licenses are flat or declining; he said that if the DNR stocks Muskie they will sell more licenses. He questions whether that is the right motive. He said in the DNR 2020 plan they would like to have opportunities for Muskie fisherman in area where the surrounding population is over 5,000, which this area includes. He said this area has four Muskie stocked lakes and the Mississippi River within eight miles of this area which people say they will drive that distance to fish. Within eighty miles of here there are 61 Muskie lakes. He said isn't enough, enough?

Sheila Johnston commented that since Jim Kath called out the GCOLA survey she wanted it to be known that there was a survey at the state fair put forward by the state senate; the results approximately show 50% against, 25% support and 25% unsure of stocking Muskies into their water.

Shelly McDonald from Schaefer's Point Road said that as children they had one section of dock (because there was a drop off at the end of it) and they fed the fish. There are now 2 sections and you can stand at the end because of erosion. She said Dr. Sorenson, an aquatic Dr. from the U of M spoke before GCOLA about 3 or 4 years ago saying that Gull Lake is sick; it's over fished, fishing needs to be restricted to certain areas of the lake and restrict fishing contests. She said that during fishing contests there is no respect for the lake.

The council will discuss the issue next month if someone proposes to put it on the agenda. Kari Eliassen will email Teri their request. The Mayor said that in the three meetings they have very fairly listened to all the information put forward, taken phone calls and letters, even sat and listened to a few people. There has been enough information to make a decision.

MOTION BY DOUG MILLER TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 34783 THROUGH 34852 – TOTAL \$102,354.61). KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY DOUG MILLER TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 26, 2016 AT 8:22 PM. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk