

MINUTES
Regular Meeting of Lake Shore City Council
Monday, June 27, 2016
7:00 PM Lake Shore City Hall

Mayor John Poston called the June 27, 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 Steve Qualley; 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 14 people in the audience.

GUEST – Marc Bacigalupi, Brainerd DNR Area Fisheries Supervisor – Muskie Resolution – Marc came before the City Council to talk to the city representatives and residents about not just Muskie’s, but the popular Walleye. The typical quota that they collect to supply the Walleye production process is 87.5 million eggs. The DNR cares that fishing remains good in this area. They put approximately 2.8 million Walleye fry into the Gull Chain every year. Marc commented that the Walleye bite has been low the last few years; although they are up again in 2016 and the Walleye bite hasn’t crashed. He said that the MNDNR is proposing a New Muskie Water Initiative; they proposed six waters in 2015. The majority of comments have supported the proposal. There were concerns raised and they fit into five general categories. 1. Muskies will have a negative impact on other fish species. In fact, they exist well with other sport fish populations. Muskies naturally exist at low densities. 2. Muskies are an invasive, non native species. They are native to MN and can enter Gull by way of the Crow Wing River. 3. Stocking Muskies will increase the chance for AIS introduction. Muskie management poses no additional threat of spreading AIS than any other recreation activity on lakes. The greatest risk is from moving equipment (docks, lifts). Transfer of zebra mussel veliger’s in live wells poses minimal risk. 4. Stocking Muskie will increase lake use. Lake use may increase 8-10 years after the first stocking of Muskie as the fish reach desirable sizes for anglers. Much Muskie angling occurs from August-November when other recreation activities have declined. 5. There are already enough Muskie Lakes. They looked for a few strategic lakes to place Muskie in the heart of the Brainerd area. They have been asked for many years to stock Muskie to provide better fishing. Why Gull? – Biological/physical criteria, location, proximity to population centers, social science/input from University of MN, infrastructure, accesses public and private roads, resorts, restaurants and guides. There are 41% support the efforts; 29% neutral and 30% against. The response rate of 100% (1,469) of actual users of the lake interviewed support the efforts in a 2013 Creel Interview. The full power point presentation is on file with the city clerk.

Al Lindner, Lindner Media Productions; Ronald Faust MD, Lake Shore; Dan Patternas, owner Gull Four Seasons Resort in Nisswa; James Linder, Linder Media Productions; Jim Kath, President of Brainerd Muskies Inc.; Greg Kvale, Anglers for Habitat; Don McFarland, Lake Shore all spoke in favor of the DNR presentation supporting the Muskellunge Management Initiative..

Council member Earl North said that he has fished Musky and Musky fishermen don’t fish for them in only August through November. He said when he and his son wanted to go fish for them they would have to trailer up to go to another lake. Earl asked where this legislation stood in the MN House and the Senate. Marc said it passed three of the six steps that it would require to pass and become law in the past session. He said the key members in the session couldn’t agree on language.

Doug Miller asked the density per acre and the likelihood of getting more per acre in Lake Margaret than in Gull Lake. Marc said they do move in and out of the lakes but they typically move back to where their forage is best, which is the bigger basins. He said that there is usually one fish to every 10 to 50 acres and Mille Lacs is about one to every 50 acres.

John Terwilliger asked why the DNR came to a City Council meeting to have comment on the initiative. Marc said they want to reach out to local residents and governments for comment for that extra outreach. John is uncomfortable voting on the issue because he doesn't know how the resident's feel. Jim Kath as a Lake Shore resident will support the issue; he said they want to come before the council to provide factual information. Greg Kvale said he used to work for the DNR and he said when they have a proposal before them they want to make sure the area managers are sharing and getting the information to local governments and their residents.

Doug Miller said he hasn't had anyone come up to him and say they want Muskies introduced and he has had a couple share they are not in support of it. Marc clarified the GCOLA survey was widely publicized and they were successful at getting their message out and into the legislature; however, the 29% in support wasn't accurate because of how they calculated the total number of respondents of the survey.

Chuck Bergquist, a 45 year Lake Shore summer resident, said he came here tonight expecting a regular council meeting. He said he had no idea that the Musky discussion was happening. He said he has had conversations with his neighbors and they are not in favor of the DNR's Musky initiative. He was bothered that no one spoke against the issue and felt the audience was stacked. He said he doesn't support it and doesn't think his neighbors even knew about it.

Tim Parker of Lake Shore said if you introduce a top predator the lower chain will disappear.

Kurt Hunstiger of Lake Shore said he didn't come to speak, but listening tonight has made him think he may be for the introduction of Musky to Gull Lake. He would like to know what it does to the other species of fish.

Doug Miller said that this isn't the final decision and feels that the Council could remain neutral. Marc said the Commissioner of Natural Resources will make the final decision.

Earl North confirmed that the resolution before them 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 that in his 30+ years on Lake Margaret he has always had a positive relationship with the DNR and its actions.

MOTION BY DOUG MILLER TO TAKE NO POSITION AND REMAIN NEUTRAL ON THE PROPOSAL FROM THE DNR. JOHN TEREWILLIGER SECONDED THE MOTION. Discussion: Krista asked why there was no one here in opposition and wanted to know why all these people were here in support. Marc asked to get on the agenda and supplied his materials to be included with the council packet prior to the council packet going out to the council members. Ron Faust said that the president of GCOLA is taking this on as a crusade against the DNR's Musky Initiative and he hasn't made it to Lake Shore yet. Marc said that they try to weigh the merit of the comments from all communities and share to the state level; he said over the long term they have had a positive impact. **DOUG MILLER AND JOHN TERWILLIGER WERE IN FAVOR OF THE MOTION. EARL NORTH, KRISTA KNUDSEN AND JOHN POSTON WERE OPPOSED. MOTION FAILED.**

MOTION BY EARL NORTH TO ADOPT RESOLUION 2016-06-01 A RESOLUTION SUPPORTING 2016 GULL CHAIN OF LAKES MUSKELLUNGE MANAGEMENT INITIATIVE. KRISTA KNUDSEN SECONDED THE MOTION. EARL NORTH, KRISTA KNUDSEN AND JOHN POSTON WERE IN FAVOR. DOUG MILLER AND JOHN TERWILLIGER WERE OPPOSED. MOTION PASSED.

APPROVAL OF MINUTES

MOTION BY DOUG MILLER TO APPROVE THE MAY 23, 2016 REGULAR CITY COUNCIL MINUTES AS PRESENTED. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY EARL NORTH TO APPROVE THE JUNE 9, 2016 SPECIAL CITY COUNCIL MINUTES AS PRESENTED. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

REPORTS

Police/Fire Report – Chief Steve Sundstrom –

Resolution for Toward Zero Death 2016-2017 – Toward Zero Deaths (TZD) runs from October 1, 2016 to September 30, 2017.

MOTION BY JOHN POSTON TO ADOPT RESOLUTION 2016-06-02 TO APPROVE THE LAKE SHORE POLICE DEPARTMENT TO PARTICIPATE IN THE TOWARD ZERO DEATHS FROM OCTOBER 1, 2016 TO SEPTEMBER 30, 2017. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Incident Report - From May 23, 2016 to June 26, 2016 there were 171 incidents in the City. There were 106 traffic-related incidents and 65 were miscellaneous department activity. Steve said it is a busy week ahead.

Mayor's Report– John Poston

City Hall Building Committee Update and Minutes –The June 2nd minutes were included for review.

Clerk/Treasurer's Report – Patti McDonald

Financials – MOTION BY DOUG MILLER TO APPROVE THE MAY FINANCIALS AS PRESENTED (CLAIM NUMBERS 34444 THROUGH 34527 – TOTAL \$261,964.74). KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Approval of Election Judges – The State of Minnesota primary election is August 9, 2016. Six people have agreed to attend 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, this would allow for breaks, lunch and replacement if someone were unable to be here.

MOTION BY KRISTA KNUDSEN TO APPOINT THE SEVEN ELECTION JUDGES AS PRESENTED FOR THE AUGUST 9, 2016 PRIMARY ELECTION. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

City Administrator/Planning & Zoning Administrator – Teri Hastings

Waiver of Tort Liability – Our insurance carrier is requesting that the City Council act annually on whether or not it would like to waive tort liability limits.

MOTION BY DOUG MILLER TO NOT WAIVE THE STATUTORY TORT LIABILITY COVERAGE LIMIT AND SUBMIT THE PROPER WAIVER FORM TO WEIZENEGGER/ENGEL INSURANCE TO FORWARD TO LMCIT. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Annual Population and Household Estimates – The 2015 Population Estimate from the state demographer's office – estimated population as of April 1, 2015 is 1,039. The 2014 population estimate was 1,033. Lake Shore's April 1, 2015 household estimate is 467. Lake Shore is still the most populated city in Cass County.

Rezoning Recommendation – Teri’s staff report indicated the following: The applicant has submitted a rezoning request that involves approximately 1.63 acres of land that is currently zoned Wooded Residential. The applicant is proposing to have the property rezoned to Low Density Residential (R-1). The minimum lot size for the Low Density District (R-1) 40,000 square feet. The minimum lot size for the Wooded Residential District is 5 acres. The applicant has made application for a lot split which would be contingent upon the rezoning request. A staff report for the lot split will follow.

The criteria for rezoning or classifying property are listed in Section 11.5 of the ordinance.

The zoning of the subject property and surrounding property is indicated on the attached zoning map. A majority of the surrounding property is held in single ownership with the exception of the gravel pit to the west. The property to the north is part of a homeowners association.

It appears there are no significant historical sites on the property. There are wetlands on the property on the north side of the property. The property to be rezoned does not abut any lakeshore; therefore, the criteria relating to the lake is not applicable.

The property was once part of the Whitney Gravel Pit. The area to be rezoned is fairly wooded in comparison to the other portion of the property. The property does have some areas with steep slopes due to the past use of this property. The topography of the property does not prohibit development but does pose limitations.

The property to be rezoned is will have access off of Whitstrom Road.

The Commission will need to determine if the rezoning will serve a socioeconomic need of the public. The applicant should be asked what the plans are for the property. Currently, there are issues with the property not meeting requirements of the covenants for the property and with city ordinances.

The property to be rezoned is not served by city sewer. The applicant has been asked to provide soil borings. The city will want to ensure that the rezoning will not cause undue pressure to provide municipal sewer in this area.

There are no known areas of significant historical or ecological values of the area that would prevent it from being rezoned.

The rezoning would not create a spot zone. The property located directly east, south and north is zoned Low Density Residential. The property to the west is zoned Wooded Residential.

STAFF RECOMMENDATION

The Planning Commission held a public hearing on this matter in May and June. The Planning Commission addressed several outstanding issues with the property. If the issues are not addressed adequately or according to the time line presented then administrative citations will be issued. The Planning Commission is recommending approval of the rezoning.

MOTION BY KRISTA KNUDSEN TO APPROVE THE REZONING RECOMMENDATION FROM THE PLANNING COMMISSION. JOHN TERWILLIGER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Revised Conditional Use Permit Requirements – Teri supplied the proposed revision of the conditional use permit application with the added requirements stating that *‘For all commercial buildings exceeding 1500 square feet in area, plans signed by an architect licensed in Minnesota, indicating conformance with applicable regulations and codes’*. This would include handicapped accessibility and building code. The Planning Commission recently discussed the issue of public safety and meeting building code requirements

for commercial buildings. Commercial contractors are not required to be licensed like residential contractors.

John Terwilliger asked if this includes commercial storage buildings or building that is not publicly used. Teri said the Commission didn't specify that. Teri said that it may mean a habitable commercial business.

MOTION BY EARL NORTH TO ADOPT THE REVISED CONDITIONAL USE PERMIT REQUIREMENTS APPLICATION AS PRESENTED. JOHN TERWILLIGER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

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

Wastewater/Road Committee – John Terwilliger said he talked to Rick Wilson from Loon Lake Township and they want to add more rocks at the culvert along 72nd Street. They will get back to him with a price. He also asked him about grading the Lake Shore portion of 72nd Street; they will also get a price back to us on that. Teri cautioned John that Calcium Chloride was just put on 72nd Street so grading should be kept at a minimum.

Quotes for Class V – Dave Reese said they asked three companies to submit quotes (Anderson Brothers, Rardin Excavating and Schrupp Excavating) for 950 cubic yards of Class V and Class 1 material compacted volume in place. Two quotes were received for, one from Rardin being \$18 for Class V and \$19 for Class 1 and Schrupp being \$21.70 for Class V and \$22.70 for Class 1.

MOTION BY DOUG MILLER TO ACCEPT THE QUOTE FROM RARDIN EXCAVATING FOR 950 CUBIC YARDS OF CLASS 1 AT \$19/CY COMPACTED VOLUME IN PLACE. JOHN TERWILLIGER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

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

May Minutes – The May minutes were included for review.

Park and Recreation Committee – Krista Knudsen said they met in June to recap the Meet and Greet project at the park. They will not meet until September.

Environmental Committee – Doug Miller said the committee met on Monday, June 20th and the White Goods collection is set for Saturday, July 30th from 9:00 a.m. to 1:00 p.m. The committee would like to send a letter/postcard to city residents announcing the White Goods collection and a future Shoreline Tour in conjunction with the DNR. The committee also discussed curbside recycling and Lowell will follow up with his research at the next committee meeting.

May Minutes – The May minutes were included for review.

Trail 77 Team – John Poston

Resolution – Acquisition of Land/Easement for Trail Purposes – Teri read the resolution number 2016-06-03 into the record. Doug asked if this is Cass County or the City taking the property. Teri said that there are 19 properties owners are affected near the power lines and the city has to get easements for the trail because MN Power didn't secure easements when they ran the power. Teri said that if MN Power had done their job properly secured easement the city wouldn't have to. Steve Qualley said the County will initiate the proceedings for the easements. Krista asked if anyone has commented about eminent domain. Teri said that most of the property owners understand the easement and they will be compensated for their property. Earl said the county will hire an independent appraiser in the determination of the value of the land to be compensated for the easement.

MOTION BY EARL NORTH TO ADOPT RESOLUTION 2016-06-03 A RESOLUTION SUPPORTING ACQUISITION OF LAND FOR TRAIL PURPOSES COUNTY STATE AID HIGHWAY 77. JOHN TERWILLIGER SECONDED THE MOTION. MOTION PASSED.

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

City Attorney – Gammello, Qualley, Pearson & Mallak – Steve Qualley had nothing new to discuss.

City Engineer – Widseth Smith Nolting – Dave Reese said next month they hope to have the final pay request for the sewer projects.

OLD BUSINESS – There was no old business.

NEW BUSINESS –

Election Signs at City Entrance – Teri said in the past city elections there have been comments having election signs at the city sign. The city sign is partially on Lee Wangstad's property and he doesn't have a problem allowing political signs. Tim Parker doesn't like having the signs at the entrance of the city and feels it's degrading to the city. Krista said that she thinks there could be a limit on the size of the sign. John Terwilliger said that the property isn't all owned by the city. Earl North said its part of the election process that has gone on forever. He sees the signs and he doesn't see them, he doesn't feel offended by the signs at the entrance of the city. The Mayor asked if the consensus of the council is to leave it as is. Yes, there will be no changes.

Kurt Hunstiger asked why the council isn't using IPAD's. He would like to see the council packet put on the website. He is a council member in Sauk Center and they have their council packets on the website by the Friday before their council meeting. Teri said we may have to change webmasters to accommodate this request. Earl said Cass County is investigating options and alternatives and there are some additional support costs to manage your system because it's a lot of digitizing that has to be acceptable not only to Apple, but to other tablets. Plus there is the initial investment of the equipment.

Teri said that city staff will research the updating of the process. Wayne asked if there is a risk of putting the information out too early. It's public, so it can be out there. Chuck Bergquist asked how the public gets the agenda ahead of time. It is on the website.

ANNOUNCEMENTS/PUBLIC FORUM –

MOTION BY DOUG MILLER TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 34480 THROUGH 34605 – TOTAL \$264,637.84). JOHN TERWILLIGER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY DOUG MILLER TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF JUNE 27, 2016 AT 8:54 PM. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk