

MINUTES
Regular Meeting of Lake Shore City Council
Monday, July 25, 2016
7:00 PM Lake Shore City Hall

Mayor John Poston called the July 25, 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 19 people in the audience.

APPROVAL OF MINUTES

MOTION BY EARL NORTH TO APPROVE THE JUNE 27, 2016 REGULAR CITY COUNCIL MINUTES AS PRESENTED. JOHN TERWILLIGER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

REPORTS

Police/Fire Report – Chief Steve Sundstrom –

Incident Report - From June 27, 2016 to July 24, 2016 there were 225 incidents in the City. There were 114 traffic-related incidents and 111 were miscellaneous department activity.

Mayor's Report– John Poston

City Hall Building Committee Update – The Mayor said that WSN is in the process of assessing city hall. They should have the assessment complete by the August City Council meeting.

Clerk/Treasurer's Report – Patti McDonald

Financials – MOTION BY DOUG MILLER TO APPROVE THE JUNE FINANCIALS AS PRESENTED (CLAIM NUMBERS 34528 THROUGH 34605 – TOTAL \$59,137.26). KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

City Administrator/Planning & Zoning Administrator – Teri Hastings

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

Wastewater/Road Committee – John Terwilliger said that with the recent rains there are a few roads that need crushed asphalt. This is a maintenance issue and Rardin can be called.

Quotes for Dettbarn & Schaefers Point Road Repair – A quote from Anderson Brothers was received to repair Dettbarn Road (\$5,812.80) and Schaefers Point Road (\$1,998.50). There appears to be a log or two coming up through Dettbarn Road that needs to be taken care of. On Schaefers Point Road there is a portion near the edge of the road that has cracked off and the asphalt is sinking.

MOTION BY JOHN TERWILLIGER TO ACCEPT THE QUOTE FROM ANDERSON BROTHERS TO COMPLETE BOTH REPAIRS AS PRESENTED FOR A TOTAL OF \$7,811.30. EARL NORTH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

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

June Minutes – The June minutes were included for review.

Park and Recreation Committee – Krista Knudsen said they will not meet until September; however, they have an application from Mary Kay Larson indicating she would like to join the Park and Recreation Committee.

Committee Appointment of Mary Kay Larson – Mary Kay Larson has submitted an application indicating she would like to join the Park and Recreation Committee.

MOTON BY KRISTA KNUDSEN TO APPOINT MARY KAY LARSON TO THE LAKE SHORE PARK AND RECREATION COMMITTEE. DOUG MILLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Environmental Committee – Doug Miller said the committee didn't meet; however, they do have two projects this week. (Listed below in announcements.)

Trail 77 Team – John Poston said there wasn't anything to report.

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

City Attorney – Gammello, Qualley, Pearson & Mallak – Steve Qualley said he has had conversation with the attorney representing Mr. Friesen and the Stornridge Association; they have made a request to plant or revegetate rather than be fined. They don't understand why the city is concerned with property owned by the Corps of Engineers. Steve explained to them and he hopes they understand that it's a zoning violation against city code.

City Engineer – Widseth Smith Nolting – Dave Reese said the sewer projects aren't final and they need to meet with Quality Flow. John Poston asked Dave to thank Mark Hallan for GPSing the Fritz Loven Park trails this past weekend. He also thanked Doug Maier for cleaning up Stoney Brook at the park.

OLD BUSINESS –

GCOLA – Muskie Proposal – Jim Moe has been on Rocky Point for 30 years and came before the Council to as a member of GCOLA to discuss the Muskie discussion from the June City Council meeting. There would be more GCOLA members here; however, they have their annual Gala this evening. Jim said that the DNR did the City Council a disservice in their presentation on the stocking of Muskie on Gull Lake; with that a disservice to the residents of Lake Shore residents by passing a resolution in support of their Muskie Initiative. He said that the Muskie issue had been heating up over the last few years and he read excerpts from information he had gathered on what the introduction of Muskie can do to fisheries and where they have been stocked. Jim followed with the local legislatures, Mark Anderson and Paul Gazelka both proposed and had support of a 4 year moratorium on the introduction of Musky into Gull Lake. He continued that he was surprised that the DNR was allowed to sneak into the June meeting and get the approval and support of the DNR's Muskellunge Stocking on Gull Lake with only supporters of the initiative. Jim read a letter into the record from Roger Lykins of Lykins Pinehurst Resort; stating he would like to see the DNR restore the Walleye in Gull Lake before they stock Muskie and ask for a 4 year moratorium on such stocking.

Jim then went over the materials GCOLA supplied for the council packet which included: The DNR Muskie Stocking Proposal Background. The GCOLA Survey with a total of 22% in favor, 8% neutral, 70% against, with mail in results only 19% in favor, 7% neutral, 74% against; they took the position of constituents being strongly opposed. Also a letter from David Anderson – GCOLA webmaster, concerns of Gull Lake Chain residents, the DNR's considerations for Muskie stocking, legislative and local units of government status and the Lake Shore City Council Resolution.

Krista asked if the survey went out to just Lake Shore residents. Jim Moe said it included all GCOLA members and lake shore owners on Gull Lake. Earl North commented if there were 1,600 individual

addresses that the survey went to with 468 responses and they felt the online survey responses was being skewed by non-riparian land owners and he understood these last results were cast those out of the final results. Jim said that 468 responses were a high turnout for a mailed survey. Earl said if the only response they used were the GCOLA members, the Walleye Inc. responses didn't count anyway so it doesn't make any difference if they voted online or not. Earl doesn't disagree with the argument that riparian land owners have the right to have concerns with the water they are adjacent to; however, they own up to the OHW and the rest belongs to the public. Bob Toborg, Lake Margaret, said that when they sent the survey out most people were already gone as they are snowbirds and they took that into consideration when they tabulated the results. Bob said that when an invasive species is brought in the lakeshore owners and GCOLA pick up the tab; they have also put a lot of money toward this at the U of M. Bob said he has the ballots if the Council would like to count them. Earl said he is not questioning the veracity of the survey results. Jim said the goal of the survey was to survey its membership being 900 members; the survey included property owners on the lake. Krista asked why her family wasn't asked and they only live a block off the lake. Jim Moe asked Marc Bacigalupi if they surveyed tubers, swimmers and boaters along with people fishing during the DNR Creel Survey. Marc said they were surveying anglers and the Musky question was one of the questions in conjunction with the survey. Earl said when a question is put to him and he doesn't know the answer he searches for information to make a well informed decision; he feels he's done that. He said he seconds what Krista said that this isn't just about Earl and his property on the lake; it's about the general use of waters by all those that want to use them. He doesn't think they should exclude a segment of the sportsman population because they want to fish what other people consider to be an invasive species. Jim said the lake owners do in fact pick up the pieces; good, bad or indifferent.

Kent Kastner said when waters are damaged by a species of fish it's the property owner's property values that plummet. Mille Lacs is case in point.

Bob Toborg asked Earl if he asked how the process went with the GCOLA board; they chose to not take a position and they would vote how the constituents voted from the survey results. Earl said that was his understanding.

Bob said that if he would've known that meeting happened last month he would've been here. Earl said for the record that the City acted completely and totally appropriately in the time frame required by our by-laws and we did everything as we always have; we did not try to sneak anything. The request was made in the appropriate time in the appropriate manner to be placed on the agenda. Teri said it was handled just as this item was handled. He takes exception to the idea that anybody would think we'd try to sneak something by. Bob said that nobody he knew included neighbors or board members knew anything about that meeting. Earl said he would say the same thing to the people in East Gull Lake where a different outcome happened. Krista said that there was a long time member of GCOLA at the June meeting and he knew about it. The Mayor said that we have rules we have to follow in posting the agenda and getting the information out to the Council members.

Jim Moe continued with his presentation that was included with the council packet. He said all lake users should be considered and asked Marc if the DNR Creel survey considered all lake users. Marc said they did an angler Creel study; however, they did have a 2 year input period open for questions and concerns for all that were concerned. There was a lot of opportunity for public input, they advertised their public input meetings that were held last winter/spring; he also said they did take the concerns of the GCOLA survey into their determination. Jim went on to give the legislative action in the MN house as they passed bills (85-42) with amendment prohibiting DNR from stocking 6 new lakes including Gull Lake.

Jim said that he DNR presented to the Council that Muskie fishing is the 6th most popular fish for anglers to take. He said in fact the interest in Muskie has dropped 11 percentage points. Jim asked as constituents of Lake Shore City Council, they asked them to rescind the Lake Shore City Council resolution supporting muskellunge stocking in Gull Lake. Proposed are 2 options, same as East Gull Lake City Council Resolution not to initiate stocking for 4 years; or option 2 to do the same as Fairview Township Resolution

as being opposed to the DNR proposal to stock Muskie in Gull Lake and request the DNR not to stock Muskie's in Gull Lake.

The Mayor asked Marc Bacigalupi to talk about what the DNR is doing about the Walleye in Gull Lake. Marc thanked the Council for having him back. He went over what he had discussed last month regarding the Walleye in Gull Lake; he said the fry that they are adding are doing well in Gull Lake and they want Gull to be a great Walleye destination for anglers. He said there is also a public process for their fisheries program that anyone is invited to attend. Marc touched on a few of the topics that Jim had presented to the Council. Marc said the scientific literature shows that Muskie at low density coexists well with the species. A couple points over the legislative session; it wasn't just the end of the session chaos that led to the decision; he said the pure fact is they didn't agree on the language. Jim Moe asked Marc to explain. Marc said they heard both sides and Carrie Ruud said to let the DNR just do their job. Marc had a hand out that gave 4 main points for the evidence of passing the Muskellunge Initiative to allow the stocking of Muskie into Gull Lake; they had over 1800 comments that they took into consideration and because people are traveling from the twin cities and out of state they do have to treat Gull Lake as a state wide resource. There is 60 years of data showing there are no issues with Musky stocking. They will continue to work with Walleye to be as good as they can be. The DNR announced statewide today a balanced decision in that they were proposing 6 lakes to move forward with the Muskellunge Initiative and they announced that 2 would move forward at this time. Jim commented that Marc said that Gull Lake is a changing system and asked him to elaborate. Marc said it is changing and zebra mussels are one of the changes with the increased water clarity being an effect of that. Chuck Bergquist asked when all the other fish are gone aren't the Muskie going to eat the Walleye. Marc said that the end result isn't that the Walleye are just going to crash; the DNR measures the end result.

Greg Kvale commented that looking at the crowd he wondered who was in the crowd were for or against the Muskie Initiative; then he thought, of the 10 that were there in support, 3 of them are gray beards and no hair and the other 6 people are probably under 40. He said this is a demographics lesson, this isn't about the past, it's about the future and he challenges anyone in the room go to another meeting or another group and find 60% of the people that are involved in it that are under 40 years old and are participating. He said what the City did is a far reaching thing by supporting the future.

Jeremy Smith said he works for Lindner Media Productions and said they have targeted every species of fish. He doesn't understand why people are so concerned about the Muskie; he has yet to experience a Muskie fishery where it wasn't one of the finest quality fisheries that we get an opportunity to fish. Muskie is a native fish in Gull Lake and doesn't feel there will be negative consequences.

Dan Eigen (Walleye Dan) said that the Muskie is actually not gone; he said he is a fisherman (not pro or against Muskie) and sees the Muskie; although he doesn't fish them. He commented that this year has been one of the best guide years for Walleye on Gull Lake. Because of the clarity of the water he said there are numerous Walleye ranging up to 25 inches; he has seen many schools of Walleyes.

Dan Patterness and his son, owners of Gull Four Seasons Resort, support the Muskie Initiative; they support GCOLA in all they do for the lake. He said as a resort they are always trying to adapt to the future and support the DNR in their progressive decision to move forward with their Initiative.

Dan Eigen asked if the Lake Shore City Council rescind their resolution from last month, would it make a difference. Jim Moe said that is a good question, it's not September and that's when this will take effect. He then asked if Gull Lake supports 26 different bodies of water. Mark Bacigalupi said that Muskie will not travel into a majority of those bodies. Krista commented on the information from the Council packet regarding Fairmont, the other proposed city, as it stated their City Council and Mayor were all opposed; there were 100 residents were in attendance at their meeting that were also opposed and the DNR still chose their lake. She said whether the Lake Shore City Council rescind or not may not make a difference.

Jim is troubled with how this came down last month without anyone from GCOLA knowing about it. The Mayor said that the city followed regular protocol. Teri said that the agenda is published as it is, if it requires a public hearing by law, then she will publish it as such. This would be as opposed to how GCOLA went to East Gull Lake with a resolution and received approval of the resolution to delay the Muskellunge Initiative and it wasn't even on the agenda. Typically, a council wouldn't act on a resolution that isn't on the agenda; further, there was no one in support of the Initiative at that meeting.

Earl North said that he has been involved in city governance since 2002 and he has heard people say 'I didn't know' many times and that is not the Council's problem. The council deals with the issues brought before them on the agenda; he said he's not going to take the responsibility if the public doesn't take some initiative for their awareness of what is happening. He also said that he thought it was untoward of Jim to indicate that something nefarious or unethical was perpetrated on the public. The Council deliberated and there were two motions, one to take no action and one to take action. Jim Moe asked Marc (as the DNR's GCOLA Liaison) why he didn't let the president of GCOLA know about the Lake Shore meeting. Marc said he would refer to Teri's comment that he didn't get an invitation from the president to East Gull Lake's Council meeting or Fairview Townships or Nisswa's Council meeting. He followed with it is not his responsibility to keep people informed of a non-public hearing item. He is charged with preparing information and share factual knowledge of what the DNR is doing.

Jim Kath, Muskies Inc. President said this discussion should be between GCOLA and the DNR and he is a Lake Shore resident; he said if any new information was presented tonight to rescind the resolution from last month then the City Council should act on that.

The Mayor thanked everyone in attendance for their comments and it would be his position to not act on the resolution to change what was voted on at the June Council meeting. The Council agreed with the Mayor.

John Terwilliger said that Doug Maier and another man worked 5 to 6 hours with their own equipment to clean up logs in Stoney Brook at Fritz Loven Park.

MOTION BY JOHN TERWILLIGER TO REIMBURSE \$500 TO DOUG MAIER FOR THE USE OF HIS EQUIPMENT TO CLEAN UP LARGE TREES IN FRITZ LOVEN PARK. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Jim Moe thanked the council for allowing him to be here tonight.

NEW BUSINESS –

ANNOUNCEMENTS/PUBLIC FORUM –Reminder of the two upcoming Environmental Committee projects to be held this week.

- ➔ Shoreline Tour – Saturday, July 27, 2016 from 4:00 p.m. to 6:30 p.m. with question and answers to follow at Zorbaz.
- ➔ Community Cleanup – Wednesday, July 30, 2016 from 9:00 a.m. to 1:00 p.m.

MOTION BY DOUG MILLER TO PAY THE BILLS AS SUBMITTED (CLAIM NUMBERS 34606 THROUGH 34687 – TOTAL \$41,054.25). JOHN TERWILLIGER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY DOUG MILLER TO ADJOURN THE REGULAR CITY COUNCIL MEETING OF JULY 25, 2016 AT 9:03 PM. KRISTA KNUDSEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk