

**CITY COUNCIL**

7:00 P.M.

June 6, 2011

Present: Mayor Scott M. Johnson  
Joanne Johnson  
Carlene Perfetto  
Steven Marolt  
David Gustafson

Lana Fralich, City Administrator  
Pete Morris, City Attorney  
Bob Kirsch, MN DNR  
Brittany Berrens, Lake Co. News Chronicle

Wally Wolfe, Joyce Sanford, Ken Hertz, Mervel J. Hanson, Shriley Whitford, Gordon Haga, Ken Hertz, Margaret Grothe, Rey Grothe, Tessie Huset, Janice Thompson, Jackie Huset, Dawn Hansen, Susan Krierinan, Linda Sjol, Gary Stevens, Vicki Stevens, Sue Smrekar, Mike Smrekar, Frank Moschet, Sandy Heland, Charlyse Knudson, M.J. VanDenHeuvel, Laurie Hohman, Meggie King, Richard King, Barney Kimball, Wendy Kimball, Robert Fish, Margaret Olson, Walt Olson, Stacy Hohman, Rob Otterblad, Marie Kaiser, Tim Bjella, Robin Bjella, Chuck Potter, Dick Stern, George Pope, Phil Houle.

Mayor Johnson called the meeting to order at 7:00p.m.

**Agenda** – IRRRB Meeting was added to Communications. Memo of Understanding for Local 49'ers for Part-time Mechanic was added to Administrator. Motion by Perfetto, second J Johnson to approve the agenda as amended. MOTION CARRIED.

**Consent Agenda** – Motion by J Johnson, second Gustafson to approve the minutes of the May 16, 2011 Canvassing Board, the May 16, 2011 Council meeting and the April 2011 Treasurer's Report. MOTION CARRIED.

**OLD BUSINESS**

**Deer Nuisance, City Code, Chapter 6** – The attorney reviewed City Code 610.01. Comments were taken from the residents present at the meeting, with the majority of the comments opposing the feeding of deer with the City, and stating the ill effects of a large deer population. There were also comments about other means to control deer population, including an archery hunt within the City. Kirsch presented information about what other area Cities are doing to control the deer population, the effects of deer feeding, the possible health effects of a large deer population, and an archery hunt. Community involvement in enforcement issues was discussed. Mayor Johnson thanked each person who participated in the discussion, and stated that the Council would be looking into the issues of deer feeding and a possible archery hunt.

The meeting went into recess from 8:18p.m. until 8:22p.m.

## Petitions, Requests and Communications

**IRRRB Meeting** – Information about an IRRRB Meeting on June 15 was reviewed. It will be posted that a quorum of the Council will attend this meeting.

The recent purchase of City vehicles was discussed.

## City Administrator

**Wilderness Family Naturals Lease Addendum** – The Council reviewed the lease addendum to remove use of the gym, and add rental of room 168. Gym use by this and another leasee was discussed, and this matter was referred to the Mary MacDonald Building Committee. Motion by Perfetto, second Marolt to approve the addendum of the lease agreement with Wilderness Family Naturals to lease space at the Mary MacDonald Business Center.

MOTION CARRIED.

**Resolution 2011-24** – The attorney has reviewed this agreement, and the Administrator and Police Chief recommend its approval. Motion by Marolt, second J Johnson to adopt Resolution 2011-24 authorizing to execute a master subscriber agreement for Minnesota Court Date Services offered through the Office of Minnesota Court Administration, Minnesota Judicial Branch.

Member Perfetto – aye  
Member Gustafson – aye  
Mayor Johnson – aye

Member Johnson – aye  
Member Marolt – aye

RESOLUTION 2011-24 WAS ADOPTED. 5 aye, 0 nay

**Resolution 2011-25** – The attorney has reviewed this agreement, and the Administrator and Police Chief recommend its approval. Motion by J Johnson, second Marolt to adopt Resolution 2011-25 approving a joint powers agreement with the State of Minnesota, on behalf of the City Attorney and Police Dept.

Member Perfetto – aye  
Member Gustafson – aye  
Mayor Johnson – aye

Member Johnson – aye  
Member Marolt – aye

RESOLUTION 2011-25 WAS ADOPTED. 5 aye, 0 nay

**Lake Superior Coastal Program** – The Council reviewed information that two grant applications from this program have been approved. They are; a \$10,000 grant for land use planning for the Eco-Industrial Project, and a \$10,000 grant for the program statement for the educational cluster portion of the Eco-Industrial Project.

**Resolution 2011-26** – Wetlands mitigation issues within the business park was discussed. Motion by Marolt, second Perfetto to adopt Resolution 2011-26 authorizing to amend the contract for engineering and construction management services with LHB Inc. for the biofuel/food greenhouse #1 project located in the Eco-Industrial Park.

Member Perfetto – aye

Member Johnson – aye

Member Gustafson – aye

Member Marolt – aye

Mayor Johnson – aye

RESOLUTION 2011-26 WAS ADOPTED. 5 aye, 0 nay

**Part-time Mechanic Position** – The personnel committee recommends hiring Jeremiah Mitchell to fill this 65 day temporary position. Motion by Perfetto, second J Johnson to hire Jeremiah Mitchell for the position of part-time mechanic at \$20 per hour for 20 hours per week for 65 working days. MOTION CARRIED.

**Memorandum of Understanding for Local #49, part-time mechanic position** – Motion by J Johnson, second Perfetto to approve the Memorandum Of Understanding with the International Union of Operating Engineers, Local 49, AFL-CIO, for a part-time mechanic position. MOTION CARRIED.

**Memorandum of Understanding for Local #49** – The Council reviewed a Memorandum of Understanding with the Local #49 Union for the following positions, Seasonal Marina Aide I, Seasonal Groundskeeper, and Cemetery Groundskeeper. Motion by Perfetto, second Marolt to approve the Memorandum of Understanding with the International Union of Operating Engineers, Local 49, AFL-CIO. MOTION CARRIED.

**City Attorney** – No further business was presented by the City Attorney.

OLD BUSINESS continued

**Gitchi-Gami Bike Trail** – The Council reviewed information about the bike trail that will enter the City near the arena. Construction is scheduled to begin the week of June 13, and be completed by this fall. Fralich reported on the preconstruction meeting, which addressed concerns about use of the area around the arena during construction.

**Deer Nuisance, City Code, Chapter 6** – The Council reviewed examples of deer control ordinances from other Minnesota Cities, the MN DNR Urban Deer Policy, the City Attorney's opinion from 5/6/98 about this subject, an e-mail from Lauri Hohman, a letter from Robert and Shirley Whiteford, a petition entitled, "Quit feeding deer in town, keep deer out of Silver Bay" and comments made on a facebook social web site regarding this subject. There was discussion about deer feeding, a possible archery hunt, community involvement in enforcement, and other nuisances that can be harmful to neighborhoods. The Council reviewed City Code 610.01 and 610.02, discussed enforcement of the current Code, reviewed the penalties for violations and discussed the procedure and timeline to issue Administrative Citations. Motion by J Johnson, second Perfetto to advertise that, as of July 1, 2011, the City will be enforcing City Code 610.01, as it relates to the feeding of deer, including the fines for violations. MOTION CARRIED.

NEW BUSINESS – No other new business was presented.

**Claims** – Motion by Perfetto, second J Johnson to approve payment of \$100,168.94 in paid claims and \$37,634.45 in unpaid claims. MOTION CARRIED.

Motion by Gustafson, second Perfetto to adjourn at 9:13p.m. MOTION CARRIED.

Minutes taken by Lance K Beachem

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Scott M. Johnson, Mayor

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Lana Fralich, City Administrator