

REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, JANUARY 12, 2004
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, January 12, 2004 at 7:00 P.M. The following Councilmembers were present: Mayor Darrell Swanson, Dean Eggena, Chuck Miller, Irene Schultz and Dick Phillips. Also present was City Administrator Tom Swenson, City Attorney Paul Sandelin, City Engineer Dave Reese, Public Works Director Ted Strand, Park and Recreation Director Jon Henke, Police Chief Bob Hartman, General Manager Dennis Leaser, Clerk/Treasurer Darlene Roach and Lake Country Echo Reporter Betty Ryan. There were approximately fifteen individuals in the audience not including Staff.

- A. CALL TO ORDER** – Mayor Swanson called the meeting to order at 7:00 P.M. and stated that this meeting was the first regular meeting of the New Year. A motion to accept the additions to the Agenda was requested. MOTION 1R-01-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DICK PHILLIPS TO APPROVE THE ADDITIONS TO THE AGENDA AS PRESENTED INCLUDING EXHIBIT A AND EXHIBIT B PROVIDED BY WSN. MOTION CARRIED WITH ALL AYES.
- B. CRITICAL ISSUES** – Lynn Scharenbroich and Linda Ulland of the Paul Bunyan Scenic Byway Association were present to give an update on the project. The second edition of Byway Prints has been completed and all four prints were brought to the meeting to view. The four prints represent the various seasons in Minnesota and are available individually or as a set unframed for \$850 each. A second set of playing cards is available with Pine River School students participating in the project. The Byway Association partnered with Grand Casino to provide funding for the playing card project. The cards are available for \$5.95 per deck. A handout showing the Association's accomplishments was distributed to the Council. Tear off maps will be updated and available to the public. St. Cloud State University continues to work on the Scenic Byway project and has developed an Honor's Course based on the byway. Linda Ulland addressed the Council and spoke about the planning that is in progress. She stated that the second phase, the Interpretive Plan, is near completion. This plan builds a story about the points of interest along the byway. During the past summer, a series of questions were developed which were used to interview several people along the byway. This provided the Association with valuable information regarding the byway.
- C. ORGANIZATIONAL MEETING APPOINTMENTS** –
1. Appoint Acting Mayor – MOTION 01R-02-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPOINT CHUCK MILLER AS ACTING MAYOR. MOTION CARRIED WITH ALL AYES.

2. Approve Official Depositories – MOTION 01R-03-04 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE NORTHERN NATIONAL BANK, LAKEWOOD BANK, DEERWOOD BANK, LAKES STATE BANK, 4M FUND AND MERRILL LYNCH AS THE OFFICIAL DEPOSITORIES. MOTION CARRIED WITH ALL AYES.
3. Approve Signatories on City Checking and Savings Accounts – MOTION 01R-04-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE MAYOR, ACTING MAYOR, CITY ADMINISTRATOR AND CLERK/TREASURER AS SIGNATORIES ON CITY CHECKING AND SAVING ACCOUNTS. MOTION CARRIED WITH ALL AYES.
4. Approve Signatories on Utilities Checking and Savings Accounts – MOTION 01R-05-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE THE MAYOR, ACTING MAYOR, CITY ADMINISTRATOR, GENERAL MANAGER AND CLERK/TREASURER AS SIGNATORIES ON UTILITIES CHECKING AND SAVINGS ACCOUNTS. MOTION CARRIED WITH ALL AYES.
5. Approve Appointment of City Engineer – MOTION 01R-06-04 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE WIDSETH SMITH NOLTING AS THE CITY ENGINEER WITH THE FEE SCHEDULE DATED JANUARY 1, 2004. Councilmember Phillips asked for confirmation that there is no retainer and he was informed that all work is done on an hourly basis. Councilmember Eggena stated that the Planning and Zoning Commission has requested that the City find a way to hire another engineer to check the designs submitted by the City Engineering firm on behalf of an applicant. It was the consensus of the Council that the Planning and Zoning Commission review this issue and come back to the Council with a recommendation. City Engineer Dave Reese stated that the City has in the past used a City Surveyor to review plats submitted by WSN and this is a good practice. MOTION CARRIED WITH ALL AYES.
6. Approve Appointment of Attorney – MOTION 01R-07-04 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE APPOINTMENT OF SANDELIN LAW OFFICE AS CITY ATTORNEY. Councilmember Phillips asked if the retainer includes the Regular Council Meeting and Attorney Sandelin stated it does. It does not include attendance at the Planning and Zoning Commission meetings. MOTION CARRIED WITH ALL AYES.
7. Approve Schedule of Regular Council Meeting – MOTION 01R-08-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO APPROVE THE SECOND MONDAY OF THE MONTH AT 7:00 P.M. FOR THE REGULAR COUNCIL MEETING. MOTION CARRIED WITH ALL AYES.

8. Approve Official Newspaper – MOTION 01R-09-04 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE OFFICIAL NEWSPAPER AS THE LAKE COUNTRY ECHO. MOTION CARRIED WITH ALL AYES.
9. Approve 2004 Mileage Reimbursement Rate – MOTION 01R-10-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DICK PHILLILPS TO APPROVE THE 2004 MILEAGE REIMBURSEMENT RATE AT 37.5 CENTS PER MILE FOR BUSINESS MILES DRIVEN. MOTION CARRIED WITH ALL AYES.
10. Approve Weed Inspector – MOTION 01R-11-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO APPOINT MAYOR SWANSON AS THE WEED INSPECTOR. MOTION CARRIED WITH ALL AYES.
11. Approve Assistant Weed Inspector – MOTION 01R-12-04 WAS MADE BY DICK PHILLILPS AND SECONDED BY IRENE SCHULTZ TO APPOINT TED STRAND AS THE ASSISTANT WEED INSPECTOR. MOTION CARRIED WITH ALL AYES.
12. A memo from Mayor Swanson listed Committee Appointments for 2004. MOTION 01R-13-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN EGGENA TO APPROVE THE FOLLOWING APPOINTMENTS FOR 2004; PLANNING AND ZONING COMMISSION – DEAN EGGENA; UTILITIES COMMISSION – DARRELL SWANSON; PARK AND RECREATION COMMISSION – IRENE SCHULTZ; PUBLIC WORKS COMMISSION – CHUCK MILLER; LONG RANGE PLANNING COMMISSION – DEAN EGGENA; ECONOMIC DEVELOPMENT AUTHORITY – IRENE SCHULTZ AND DICK PHILLIPS; LIBRARY COMMITTEE – IRENE SCHULTZ; PERSONNEL COMMITTEE – DARRELL SWANSON, DICK PHILLIPS, TOM SWENSON AND DENNIS LEASER; SEWER COMMITTEE – DARRELL SWANSON AND CHUCK MILLER; EMERGENCY MANAGEMENT DIRECTOR – BOB GARIN; RECYCLING – DICK PHILLIPS; BUILDING AND GROUNDS LIAISON – DEAN EGGENA AND PUBLIC SAFETY COMMITTEE – LIAISON CHUCK MILLER, TOM SWENSON, POLICE CHIEF BOB HARTMAN AND FIRE CHIEF KEITH ANDERSON. MOTION CARRIED WITH ALL AYES.

D. CONSENT CALENDAR - MOTION 01R-14-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN EGGENA TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR CONSISTING OF: (1.) MINUTES OF REGULAR COUNCIL MEETING OF DECEMBER 8, 2003; (2.) MINUTES OF JOINT LIBRARY COMMITTEE/CITY COUNCIL MEETING OF DECEMBER 12, 2003; (3.) MINUTES OF SPECIAL COUNCIL MEETING OF DECEMBER 18, 2003; (4.) CROSSLAKE COMMUNICATIONS TELEPHONE AND CABLEVISION COMPANY STATISTICAL REPORT DATED NOVEMBER 30, 2003; (5.)

CITY MONTH END REVENUE REPORT DATED NOVEMBER 30, 2003;
AND (6.) CITY MONTH END EXPENDITURE REPORT DATED
NOVEMBER 30, 2003. MOTION CARRIED WITH ALL AYES.

E. PUBLIC FORUM – None

E. MAYOR'S REPORT - Jane DuBois of DuBois Woodcarving Sign Shop recently donated a new sign at Pinewood Cemetery and acceptance of this donation was requested. MOTION 01R-15-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DICK PHILLILPS TO ACCEPT WITH APPRECIATION THE DONATION OF A SIGN FROM JANE DUBOIS FOR PINEWOOD CEMETERY. MOTION CARRIED WITH ALL AYES. Mayor Swanson turned the meeting over to Community Development Director Ken Anderson who introduced Dan Frank of the Initiative Foundation. The City worked with the Healthy Community Partnership Program, sponsored by the Initiative Foundation, who provided funding and training for various volunteers. Twenty individuals were recognized during the meeting for their active participation in the formation of a draft Comprehensive Plan for the City. These individuals attended training in Little Falls and were actively involved during the entire process. Community Development Director Anderson stated that the Council is expected to complete their review of the plan in late April. In May or June, public hearings will be held and final adoption of the Plan is expected in late summer. Dan Frank stated that the Initiative Foundation appreciated the opportunity to work with the Council and the citizens on this partnership. He noted that Visioning Meetings were held with up to 120 individuals in attendance at some of the meetings. The City faced some challenges along the way with the Consultant at DSU moving on to another position, the Council saw changes and yet the volunteers stuck to the task. He stated that it is hard work to create a vision for a constantly growing and changing City. Not every City lets its citizens participate in the process like Crosslake did. Mayor Swanson read the Certificate of Appreciation that was being presented to the volunteers and Dan Frank read the inscription on the plaques that were presented. Councilmember Miller thanked all of the volunteers for their dedication to this process.

G. CITY ADMINISTRATOR REPORT –

1. Memo from Clerk Roach regarding Tax Increment Financing Reimbursement – Approval was requested to release \$398.70 to Brian Bittner of Daggett Brook Villas for tax funds received from the State on December 24, 2003. MOTION 01R-16-04 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE DISBURSEMENT OF \$398.70 IN TAX INCREMENT FUNDS TO BRIAN BITTNER OF DAGGETT BROOK VILLAS. MOTION CARRIED WITH ALL AYES.
2. Memo from City Administrator regarding Addendum to Business Subsidy Agreement – As a result in change of ownership for Competition BBQ, a revision to the Business Subsidy Agreement for the Revolving Loan Fund is required to

include Charles P. Torgerson as a shareholder in the Corporation. MOTION 01R-17-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR SIGNING THE BUSINESS SUBSIDY AGREEMENT ADDENDUM FOR COMPETITION BBQ INC. MOTION CARRIED WITH ALL AYES.

3. Memo from City Clerk regarding change in shareholders to include Charles Palmer Torgerson, Jr. as holding 10% of the ownership in Competition BBQ Inc. This change will be reflected in the Wine License Application upon renewal. It was noted that Ronald Strychar is listed as the General Manager for the licensed premises. The Police Department has conducted criminal history's on all parties named and the results were satisfactory. No Council action is required at this time.
4. A letter dated December 29, 2003 from Gary Carlson of the League of MN Cities regarding 2004 City Policies was included for Council information.
5. A letter dated December 15, 2003 from LMCIT Board of Trustees regarding the 2003 dividend and 2004 rates were included for Council information.
6. A memo dated December 9, 2003 from Sheila Wasnie Haverkamp of BLADC included the BLADC Project Activity Reports for August and September 2003 and was included for Council information.
7. A letter dated December 16, 2003 from USDA regarding USDA/Rural Development Community Programs was included for Council information.
8. A letter from Dan and Kirsten Seidl regarding the opening of their business in the spring was included for Council information.
9. The Region 5 Development Commission Update for December 2003 was included for Council information.
10. Lakes State Bank Pledge Update dated December 31, 2003 was included for Council information.
11. Lakewood Bank Pledge Update dated December 31, 2003 was included for Council information.
12. Northern National Bank Pledge Update dated December 31, 2003 was included for Council information.
13. Bills for Approval – MOTION 01R-18-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$2,668.96. MOTION CARRIED WITH ALL AYES.

G. COMMISSION REPORTS –

1. SEWER –

- a. Committee Chair Dean Swanson requested that City Engineer Dave Reese provide an update on the Sewer Project for the Council. Reese stated that work has stopped on the collection portion of the system until spring. KHC is installing equipment inside the treatment plant since this facility is heated.
- b. A pay request has been submitted and reviewed by WSN in the amount of \$95,975 for KHC Construction. MOTION 01R-19-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN EGGENA TO

APPROVE THE PAY REQUEST FOR KHC CONSTRUCTION IN THE AMOUNT OF \$95,975. MOTION CARRIED WITH ALL AYES.

- c. A memo dated December 11, 2003 from the Sewer Committee recommended approval of a resolution increasing the Sewer Connection Charges from \$5,500 to \$6,500 for commercial properties and \$3,000 to \$4,000 for residential properties effective January 1, 2006 for properties within Phase I that have not connected to the Wastewater System as of January 1, 2006 or have connected to the Wastewater System prior to January 1, 2006 but the property owner has not signed a reimbursement agreement with the City for payment of the outstanding connection charge or for any undeveloped property located within Phase I for which the City has not issued a building or zoning permit. In addition to the resolution, the Sewer Ordinance has been amended to strike all references to "availability charge(s)" in the ordinance. Other recommended changes in the ordinance include changes in the definition of a Guesthouse; removal of reference to the Public Works Director and addition of City and addition of language for pumping solids and liquids into the City sewer. City Engineer Dave Reese commented that the collection system will allow gravity flow for the majority of users, however, some property owners will have to utilize a pump to get the waste into the collection system. The City has received requests from property owners to allow them to keep their septic tank for conversion to a grinder pump chamber. Reese stated that Chapter 7080 states that all septic tanks installed after January 1, 1999 must be watertight which would allow use of the tank as a conversion chamber provided the tank was installed after that date. Two exhibits were provided to the Council illustrating two of many options homeowners could use to assist them with this conversion. Discussion ensued regarding guest houses, water usage as compared to size of house, large homes used only seasonally, the problems associated with metering when you have wells versus municipal water. Councilmember Eggena asked what the intent was of a combination commercial/residential structure and questioned why properties such as Riverside and Video Plus would be double charged for hookups when they maintain residences in their commercial property. Eggena stated there is one pipe coming in and usage is based on metered gallons used. Chairman Swanson stated that similarly townhouses are one building but they could have three separate owners. City Administrator Swenson stated that the Committee did take into account the metering on this type of property and allowed for a credit of 8,000 gallons to be applied against the commercial property for the residential portion of the structure. It was stated that the Committee worked to achieve fairness among all property owners and initially the Committee looked at charging restaurants, for example, by the number of seats. Both the Chamber and local businesses came to the City to discuss this type of payment structure and after extensive review by the Committee to determine what was the fairest to everyone, the connection fee was approved. MOTION 01R-20-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DARRELL SWANSON TO APPROVE

ORDINANCE AMENDMENT NO. 187 AMENDING CHAPTER 11 OF THE CROSSLAKE CITY CODE RELATING TO WASTEWATER REGULATIONS WITH THE SUGGESTION THAT COMBINATION COMMERCIAL/RESIDENTIAL FEES BE REVIEWED TO INCLUDE HOMESTEADED PROPERTIES LOCATED WITHIN A BUSINESS BE CHARGED ONE FEE. MOTION CARRIED WITH ALL AYES. City Attorney Sandelin was directed to make the necessary language changes. MOTION 01R-21-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DICK PHILLIPS TO APPROVE RESOLUTION NO. 04-01 INCREASING SEWER CONNECTION CHARGES EFFECTIVE JANUARY 1, 2006 AND TO PUBLISH SAID RESOLUTION. MOTION CARRIED WITH ALL AYES.

2. PUBLIC WORKS –

- a. Public Works Director Ted Strand informed the Council that Staff is working out some problems at the Joint Public Works Facility. Completion of the punch list items is going well. Mayor Swanson asked if the Boat and Water Patrol Division of the Sheriff's Department was onsite yet and Ted Strand stated that they had not moved into the facility. The Joint Powers Board will meet on January 14th at 10:00 A.M. to review whether any alternates will be added.
- b. The Minutes of the November 17, 2003 Public Works Commission Meeting were included for Council information.
- c. City Engineer Dave Reese addressed the Council and stated that at the direction of the Council, WSN has looked at potential assessment charges for the milling and overlay of Daggett Pine Road at its present width and subtracted these costs from the construction costs to derive an assessable amount. Reese stated that the potential assessment amount is \$225,000 for that portion of roadway from Ox Lake Landing to Wilderness Trail. Using the existing road policy, 50% of that amount is approximately \$112,600. In following Chapter 429, WSN looked at assessing on an equivalent lot basis and determined there were 45 equivalent lots. Of these 45 lots, it would have to be determined whether those properties, which have already paid an assessment on another improved road, would be charged a full assessment or one half of an equivalent lot assessment. Reese stated that the City could consider assessing on a front footage basis, however the value to the property would need to be taken into consideration. Councilmember Eggena asked how WSN looked at the Community Center property since the minimum width for an equivalent lot is 150'. Reese and Eggena agreed that the Community Center property would constitute roughly seven to eight equivalent lots. Councilmember Eggena asked about Chatham Park and Reese stated that only one lot accesses Chatham Park off of Daggett Pine Road. Councilmember Miller stated that he has reconsidered his position on this issue since the last meeting and does not feel that the City should assess any portion of this road. When the road was originally constructed, it was built to the current City standard at that time. Furthermore, when

Daggett Pine Road and West Shore Drive are completed, there will be no more building of roads at City expense. Miller stated that he does not believe it would be fair to assess the property owners for a road that is used by the entire community. Councilmember Schultz fully agreed with Councilmember Miller in that the road serves the entire community not just the property owners along the road. MOTION 01R-22-04 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO NOT ADOPT THE ORDINANCE AMENDMENT CHANGING THE ROAD POLICY AS PREVIOUSLY REQUESTED BY THE COUNCIL. Mayor Swanson stated that with this motion, the Council is going on record as withdrawing an original request. Councilmember Miller stated that he does not feel the City could defend an assessment of \$2500 on a road that was previously blacktopped. Councilmember Eggena agreed that re-blacktopping the road may not make the property any more valuable. City Engineer Reese stated that curb and gutter, sidewalks and etc. could be assessable items, however these were not being added. Public Works Director Ted Strand stated that there are possibly two other roads in the City, namely Manhattan Point Boulevard and Anchor Point Road, where a similar situation could exist. MOTION CARRIED WITH 4 AYES WITH COUNCILMEMBER SCHULTZ ABSTAINING FROM THE VOTE DUE TO OWNING PROPERTY ALONG THE ROAD. A memo from City Administrator Swenson informed the Council that an appraisal report from James Bedard on the old Public Works garage and property estimates the value at \$157,000. City Administrator Swenson recommended that he and Building and Grounds Liaison Dean Eggena make a recommendation to the City Council at the regular meeting in February regarding the procedure for selling the building. MOTION 01R-23-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DICK PHILLIPS TO ACCEPT THE RECOMMENDATION OF THE CITY ADMINSTRATOR FOR THE BUILDING AND GROUNDS LIAISON AND THE CITY ADMINISTRATOR TO REVIEW THE APPRAISAL AND MAKE A RCOMMENDATION TO THE CITY COUNCIL. MOTION CARRIED WITH ALL AYES.

3. LIBRARY – Chairman Alden Hardwick reported on the Joint Council/Committee Meeting that was held recently and stated that the Committee appreciates the support being offered by Kitchigami Regional Library Director Marian Ridge. Ms. Ridge agreed to write a letter to Senator’s Ruud and Oberstar and Representative Howes showing the joint support of a library by the Regional System and the City. There was discussion during the Joint Meeting regarding the number of hours the Library would be open and the Committee has reviewed the hours with Pat Benson who worked at the Cokato Library and it is felt that initially 20 hours will be sufficient. Reading rooms could be open longer with the assistance of Park and Recreation Staff. Jim Stevenson and Dave Gardiner were thanked for their work on the library sign which is situated on the north end of the City Hall property. Mayor Swanson read a memo from Clerk Roach, which requested acceptance of a donation of \$200

from Northern National Bank for musical services provided by "The Last Generation" who performed during their recent Eagle Luncheon. MOTION 01R-23-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO ACCEPT WITH APPRECIATION THE DONATION OF \$200 FROM NORTHERN NATIONAL BANK TO THE LIBRARY FUND. MOTION CARRIED WITH ALL AYES.

4. PUBLIC SAFETY –

Chief Hartman reported that the Police Department logged 89 calls in Crosslake and 28 calls in Mission Township in December. This brings the total number of calls for 2003 for Crosslake to 1702 and 290 for Mission Township. Councilmember Eggena asked if Holiday's or the 2:00 A.M. closing has created any problems for the Police Department. Chief Hartman stated that Holidays historically have not been a problem in Crosslake and in going through the reports, there were no significant problems with the 2:00 A.M. closing, however it didn't go into effect until the end of the summer. A better idea of the impact will be known at the end of 2004. Officer Eric Swanson will be holding a safety awareness seminar at the Community Center at 7:00 P.M. on February 3rd. The public is invited to attend. The Fire Department responded to six medical calls and one fire call in December. This brings the total number of calls to 89 medical calls and 52 fire calls for an overall total of 141 calls in 2003. A 2003 year-end summary report from North Ambulance was included in the Council packet.

5. PARK AND RECREATION –

- a. Park and Recreation Director Jon Henke presented his Highlights Report for January. The morning walkers and talkers meet every morning from 8:00 A.M. to 9:00 A.M. in the gym. AAA is sponsoring a senior driving class at the Community Center on January 14th and 15th from 9:00 A.M. to 12:30 each day. This eight-hour course is for first time students. On January 29th from 9:00 A.M. – 1:00 P.M., a refresher course will be held. Interested community members can call the Center for AAA's phone number. The ice rink is up and running with normal operating hours being Thursday's and Friday's from 4:00 P.M. – 8:00 P.M and Saturday and Sunday from 1:00 P.M. – 8:00 P.M. The rink will be open on Martin Luther King Day from 1:00 P.M. – 8:00 P.M. A Pilate's 101 Class is being offered starting Tuesday, January 13th. Pilate's is one of the hottest trends in the exercise field. Cost for membership is \$66.00 for six sessions. Cheryl Clark will be the instructor. The Community Center offers Yoga two times a week on Mondays and Wednesdays. The Knights of Columbus will be sponsoring a free throw contest at the Community Center on Sunday, January 25th from 1:00 P.M. – 2:00 P.M. Bridge is offered two times a week on Tuesdays and Fridays along with 500 Club on Fridays. Weight room memberships are very affordable and the weight room is open daily. The Crosslake Presbyterian Church has donated \$1,000 to be utilized for the purchase of a computer. Acceptance of this donation was requested. MOTION 01R-24-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO ACCEPT WITH APPRECIATION THE DONATION OF

\$1000 FROM CROSSLAKE PRESBYTERIAN CHURCH TOWARDS THE PURCHASE OF A COMPUTER. MOTION CARRIED WITH ALL AYES. There were no December minutes since the Commission Meeting was cancelled. The moratorium on the vacation of publicly held parcels ends at this meeting and the Park and Recreation Commission recommends that no vacations of any publicly held parcels be approved until the Park Department Staff receives a response from local legislators about the possibility of new legislation regarding public land sale. Although the future use of this property is currently unknown, at a very minimum the City should obtain easements for utility and trail purposes before the land is vacated. Mayor Swanson asked City Attorney Sandelin if the Council was required to take action tonight and he was advised that the moratorium could be extended for another year. MOTION 01R-25-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY CHUCK MILLER TO ADOPT ORDINANCE AMENDMENT NO. 188 EXTENDING THE MORATORIUM ON ROAD VACATION REQUESTS ON PUBLIC PROPERTY THAT EXTENDS OR ABUTS TO THE WATER FOR AN ADDITIONAL YEAR AND THAT A SUMMARY OF THE ORDINANCE AMENDMENT BE PUBLISHED. MOTION CARRIED WITH ALL AYES.

6. UTILITIES –

- a. General Manager Dennis Leaser presented the Highlights Report for December. The Utilities Commission is recommending a Cable TV rate increase effective April 1, 2004 for all of the cable packages with the exception of Digital Plus. Councilmember Miller expressed concern with this and commented that we are penalizing those that can afford it the least. Miller suggested that the same percentage of increase be applied against all packages. General Manager Leaser stated that they would not get the needed revenues by splitting the cost evenly across the board. Councilmember Phillips asked how Crosslake compares with other cable companies and Leaser stated Crosslake is in the middle of the pack. MOTION 01R-26-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE CABLE TV RATE INCREASE AT CROSSLAKE COMMUNICATIONS EFFECTIVE APRIL 1, 2004. MOTION CARRIED WITH ALL AYES. Approval was requested to appoint David Fischer to the Utilities Commission. MOTION 01R-27-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPOINT DAVID FISHER TO THE UTILITIES COMMISSION FOR HIS FIRST THREE YEAR TERM. MOTION CARRIED WITH ALL AYES. Interviews have been conducted for the Network Engineer position and interviews for the Accountant position will be conducted within the next couple of weeks. The minutes of the December 30, 2003 Commission Meeting were included for Council information.

7. PLANNING AND ZONING -

- a. White/Hoffman Appeal - Community Development Director Ken Anderson stated that on October 13, 2003, the City Council tabled a Variance Appeal for Dan White and Betsy Hoffman, for up to one year, with the stipulation that no further modifications or improvements be made to the basement level of the existing home until such time as final action is taken by the City Council pending a decision by the Corps of Engineers on a ROPE Study being conducted. In November, the Planning and Zoning Department was notified of work that was being done in the lower level and after consulting with the City Attorney on the stipulations imposed, a Stop Work Order was posted and the workers were asked to discontinue work. Mr. White is requesting Council consideration on revising the stipulation that no work be done in the lower level in order that the home can be insulated to improve energy efficiency and prevent freeze-ups. Mr. White addressed the Council and stated that he is spending \$500 - \$800 per month to heat the home. Councilmember Phillips asked what type of insulation would be added and Mr. White stated he would like to use a vapor barrier along with fiberglass insulation. Phillips asked if this was only going to be done on perimeter walls and Mr. White stated yes. Community Development Director Anderson stated that the Council could allow the work provided it is made clear that any work done is at the property owner's own risk and removal may be necessary depending on the outcome of this appeal. MOTION 01R-28-04 WAS MADE BY DEAN EGGENA AND SECONDED BY CHUCK MILLER TO ALLOW MR. WHITE TO GO AHEAD AND INSULATE THE EXTERIOR WALLS OF THE LOWER LEVEL PROVIDED THE APPLICANT DOESN'T APPEAL THIS DECISION ONCE THE FINAL DECISION ON THE APPEAL IS MADE. City Attorney Sandelin stated that wording will be added that the property owner be allowed to insulate the exterior block walls. MOTION CARRIED WITH ALL AYES.
- b. The 2003 Permit Summary was included for Council information.
- c. The Minutes of the Planning and Zoning Commission/Board of Adjustment Meeting and Public Hearing of November 21, 2003 were included for Council information.
- d. Staff Report dated January 8, 2004 regarding Minnesota Accessibility Code – Chapter 1341 of the of the Minnesota Accessibility Code requires that those cities that administer the State Building Code, as well as cities that do not, are required to enforce Chapter 1341 either by employing or contracting with a Certified Building Official, a Certified Building Official Limited or Certified Building Official Accessibility Specialist. Currently, none of the staff are approved to enforce the Minnesota Accessibility Code and approval was requested to authorize the Mayor and City Administrator to appoint a Minnesota Certified Building Official to administer the Minnesota Accessibility Code on a temporary basis until current staff can be licensed. Authorization would take place upon the submittal of an approved and signed contract agreement between the City and Building Official. The rate of pay for this review would be \$65 per hour which would be collected and

paid by the applicant prior to the issuance of any zoning permits. City Administrator Swenson asked who would be required to carry workers compensation and City Attorney Sandelin stated that could be handled under the Contract. MOTION 01R-29-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR APPOINTING A MINNESOTA CERTIFIED BUILDING OFFICIAL TO ADMINISTER THE MINNESOTA ACCESSIBILITY CODE UNTIL CURRENT STAFF CAN BE LICENSED. MOTION CARRIED WITH ALL AYES.

- e. Set date for Public Hearing for Appeal of Variance 2003-031, 13472 Hidden Valley Road – The Council set the date for an appeal submitted by Dana Pekas for Monday, February 9th at 6:00 P.M.
 - f. Staff Report dated January 8, 2004 from Community Development Director Ken Anderson requested approval to set the date for a special joint work session with the Planning and Zoning Commission and City Council for discussion and direction regarding inspection procedures and policies and current ordinance requirements. Also to be reviewed is a change to the limited commercial district relating to allowing wholesaling/warehousing as a C.U.P. with building sizes up to 20,000 square feet. The Planning and Zoning Commission has tabled consideration of this item until a joint meeting can be held to consider permitted, conditional and accessory uses in all zoning districts. A third issue to be discussed relates to conditions that are imposed that are not being enforced or adhered to by property owners. It was recommended that the joint meeting be held prior to the next Planning and Zoning Commission meeting. A joint meeting was set for January 20th at 9:00 A.M.
 - g. Advertisements were placed in the Lake Country Echo on January 8th and January 15th seeking applicants for vacancies on the Planning and Zoning Commission. One application has been received to date and the Planning and Zoning Commission will make a recommendation at their next regular meeting.
8. **ECONOMIC DEVELOPMENT AUTHORITY** – The minutes of the December 3, 2003 meeting were included for Council information.
9. **RECYCLING** - Councilmember Phillips reported that 219.24 tons of recyclables were collected in 2003, which is a third of a ton less than in 2002. Clerk Roach will be sending a letter to the Crow Wing County Solid Waste Department requesting the City's Score Funding for 2004. A year-end recycling report from Crow Wing County Solid Waste Coordinator Douglas Morris was included for Council information.
10. **CHARTER SCHOOL** – Councilmember Schultz reported that three new board members have been elected to the Charter School Board. The Holiday program was a real success and the new facility is working out really well.

11. LONG RANGE CAPITAL PLANNING – The Long Range Capital Planning Commission recommended the re-appointment of Mark Wessels and Brad Nelson to a second three-year term on the Long Range Capital Planning Commission effective February 1, 2004. Council approval on these appointments was requested. MOTION 01R-30-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DICK PHILLIPS TO APPOINT MARK WESSELS AND BRAD NELSON TO A SECOND THREE-YEAR TERM ON THE LONG RANGE CAPITAL PLANNING COMMISSION EFFECTIVE FEBRUARY 1, 2004. MOTION CARRIED WITH ALL AYES. The Long Range Capital Planning Commission met on November 26th, December 3rd and December 24th to address the issue of establishing snowmobile trail routes within the City limits. As a result of these meetings a motion was made to recommend to the City Council that they direct the City Attorney to investigate all available legal options to allow or seek an exemption to the current State law that prohibits night-time snowmobile traffic to go northbound on the trail on the west side of County Road 66 traveling against the oncoming southbound vehicle traffic and that the City Council research and investigate the feasibility of establishing a multi-use trail on the east side of County Road 66. Mayor Swanson asked who's responsibility it is to enforce the west side of County Road 66 and it was noted that it is the responsibility of the local police to enforce the law on the County road. MOTION 01R-31-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN EGGENA TO DIRECT THE CITY ATTORNEY TO INVESTIGATE ALL AVAILABLE LEGAL OPTIONS TO ALLOW OR SEEK AN EXEMPTION TO THE CURRENT STATE LAW AS RECOMMENDED BY THE LONG RANGE CAPITAL PLANNING COMMISSION. MOTION CARRIED WITH ALL AYES.

12. PERSONNEL COMMITTEE – Nothing

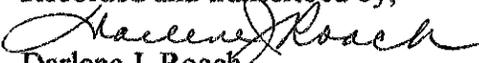
H. OLD BUSINESS – None

I. NEW BUSINESS – None

J. PUBLIC FORUM - Helen Fraser thanked the Council for the light poles along County Road 66, in the area of City Hall, that were recently installed by Crow Wing Power.

K. ADJOURN – MOTION 1R-32-04 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO ADJOURN THIS REGULAR MEETING AT 10:37 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,


Darlene J. Roach
Clerk/Treasurer

Shared/REGULAR COUNCIL MEETING – January 12, 2004

BILLS FOR APPROVAL
12-Jan-04

VENDORS	DEPT	AMOUNT
Ace Hardware, keys, tag paper	PW	39.55
Ace Hardware, bolts, key belt, wash, nuts	PW	29.98
Ace Hardware, blets, nozzle, hose	Fire	77.02
Brandanger Office Supply, certificates	Gov't	5.86
County Recorder, cup filing fee	P&Z	20.00
Crosslake Polaris, oil	PW	17.03
Culligan, water cooler rental	PW	10.65
Culligan, water cooler rental and water	Gov't	17.03
Grafix Shoppe, custom squad marking kit	Police	280.00
Heartland Animal Rescue Team, animal control	Gov't	111.83
Mastercard, Mills Motors, seal, oil plug	PW	13.22
Quill, label maker tape	Admin	24.41
Quill, batteries, ink, clips, lead, towels	ALL	314.21
Samaritan Tire Sale, tires	Police	246.10
Superior Lamp Inc., bulbs	Gov't	1,145.23
Viking Coca Cola, pop	Gov't	24.28
Viking Coca Cola, pop	P&R	61.40
Viking Coca Cola, pop	PW	81.79
Viking Electric, bulbs	Gov't	149.37
TOTAL		\$ 2,668.96

**RESOLUTION
CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA**

RESOLUTION NO. 04-01

WHEREAS, as part of the City of Crosslake Wastewater Project, the City has adopted an Ordinance (City Code Chapter 11) establishing procedures and regulations for the operation of the wastewater system; and

WHEREAS, the City initially established a commercial and residential connection charge pursuant to the Ordinance in the amount of \$5,500.00 and \$3,000.00 respectively; and

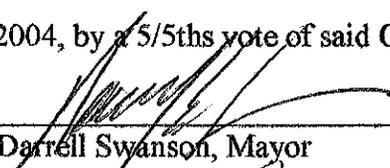
WHEREAS, the Ordinance provides that the City maintain a current fee schedule reflecting the current amount for connection and user charges as well as any changes thereto; and

WHEREAS, the City Council has determined that pursuant to the Ordinance, effective January 1, 2006 the commercial and residential charges shall be increased;

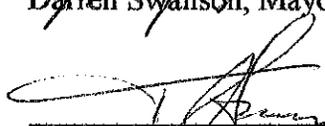
NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Crosslake hereby establishes the following fee schedule for the Crosslake Wastewater System (the "Wastewater System"):

1. Effective **January 1, 2006** commercial and residential connection charges shall be as follows:
 - Commercial \$6,500.00
 - Residential \$4,000.00
2. The above-referenced increase in charges shall apply to all properties within Phase I that (a) have not connected to the Wastewater System as of January 1, 2006; (b) have connected to the wastewater system prior to January 1, 2006 but the property owner has not signed a reimbursement agreement with the City for payment of the outstanding connection charge; or (c) for any undeveloped property located within Phase I for which the City has not issued a building or zoning permit.

Passed by the City Council this 12th day of January 2004, by a 5/5ths vote of said City Council.



Darrell Swanson, Mayor



Thomas Swenson, City Administrator

Affidavit of Publication

State of Minnesota)

County of Crow Wing) ^{ss.}

Teresa Melhorn, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as The Lake Country Echo, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Resolution No. 04-01, which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Thursday the 29th day of January, 2004, and was thereafter printed and published on every Thursday to and including Thursday the 29th day of January, 2004; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

abcdefghijklmnopqrstuvwxyz

By: Teresa Melhorn

Title: Agent

Subscribed and sworn to before me on this 3rd day of Feb, 2004



Terrie K. Grieb Notary Public, Minnesota

Notary Public - Minnesota

My Commission Expires 01/31/2005

Publication Fee \$62.50

Crosslake

RESOLUTION
CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION NO. 04-01.

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Darrell Swanson, Mayor

Thomas Swenson, City Administrator

Lake Country Echo
January 29, 2004

RATE INFORMATION

- | | |
|--|----------------------|
| (1) Lowest classified rate paid by commercial users for comparable space | \$8.00 /column inch |
| (2) Maximum rate allowed by law for the above matter | \$20.80 /column inch |
| (3) Rate actually charged for the above matter | \$6.25 /column inch |