

**REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, JANUARY 12, 1998
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, 1998. The following Councilmembers were present: Mayor Robert Scott, Donna Keiffer, Charles Miller, Raymond Smyth and Richard Upton. Also present was City Administrator Thomas Swenson, City Attorney Paul Sandelin, City Engineer Dave, Reese, Reporter Christine DuFour and Deputy Clerk Darlene Roach. There were approximately 15 individuals in the audience.

Mayor Scott called the meeting to order at 7:01 P.M. He welcomed all those in attendance and those who would watch the meeting on Channel 12 later.

CRITICAL ISSUES -

Lynn Scharenbroich addressed the Council requesting support for Scenic Byway designation for County Roads 3, 16 and 66 in Crosslake.

MOTION 1R-01-98 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO SEND A LETTER OF SUPPORT TO THE STATE TO SEEK SCENIC BYWAY DESIGNATION FOR CERTAIN DESIGNATED COUNTY ROADS. MOTION CARRIED UNANIMOUSLY. The cost of the signs and their maintenance will be paid by the County. The Department of Tourism will be responsible for updating maps which designate these scenic roads.

CONSENT CALENDAR -

MOTION 1R-02-98 WAS MADE BY RICHARD UPTON AND SECONDED BY DONNA KEIFFER TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF DECEMBER 8, 1997 REGULAR MEETING AS AMENDED; (2) MINUTES OF DECEMBER 10, 1997 SPECIAL MEETING AS AMENDED; (3) MINUTES OF DECEMBER 17, 1997 SPECIAL MEETING AS AMENDED; (4) MINUTES OF DECEMBER 29, 1997 AS AMENDED; (5) TELEPHONE COMPANY FINANCIAL REPORT FOR NOVEMBER, 1997; (6) CABLE COMPANY FINANCIAL REPORT FOR NOVEMBER, 1997; (7) CITY MONTH END EXPENDITURE REPORT FOR NOVEMBER, 1997; AND (8) CITY MONTH END REVENUE REPORT FOR NOVEMBER, 1997. MOTION CARRIED UNANIMOUSLY.

MAYOR'S REPORT -

A special meeting will be held on Friday, January 16, 1998 at 1:00 p.m. at City Hall to review appointments for 1998 and to finalize two personnel items from 1997.

CITY ADMINISTRATOR REPORT -

1. Payment of bills - MOTION 1R-03-98 WAS MADE BY CHUCK MILLER AND SECONDED BY DONNA KEIFFER TO APPROVE ALL BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$97,309.37. MOTION CARRIED UNANIMOUSLY.
2. Transferring of Tobacco Licensing Authority to Crow Wing County - The City Administrator and Police Chief recommended transferring the tobacco licensing authority to the County due to recent changes in State law. MOTION 1R-04-98 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO APPROVE THE TRANSFER OF TOBACCO LICENSING AUTHORITY TO CROW WING COUNTY. The City Administrator will check with the County to see if they will be ready to accept the licensing authority in February, otherwise, licenses will be extended again in February. Tom Swenson and John Backdahl met with Bill Reed prior to drafting their recommendation to the Council and discussed his concerns regarding the penalties which will be imposed on the store owners and the sale of cartons and multi packs. At this time, the County has not yet determined what the penalties will be for violations.

The following items were included for Council information:

3. Proposed draft of Crow Wing County Tobacco Access Law/License Ordinance.
4. 12/18/97 letter from League of Minnesota Cities regarding 1998 City Policies.
5. 12/19/97 letter from League of Minnesota Cities regarding 1997 Property/Casualty dividend. (The City received a dividend in December in the amount of \$10,076.00 from LMCIT.)
6. December 1997 Small Cities Update.
7. 12/15/97 letter from Minnesota Pollution Control agency regarding Ordinance requirements governing individual sewage treatment systems.
8. 12/17/97 memo from Planning and Zoning Administrator regarding ISTS (Individual Sewage Treatment Systems) Ordinance. Area cities have been working with the County on putting together an Ordinance pertaining to septic systems. Changes in State Law require that cities adopt minimum standards established by the County.
9. 12/03/97 letter from Minnesota Pollution control Agency regarding 1998 Intended Use Plan for the State Revolving Fund Loan Program.

10. 12/10/97 letter from Widseth Smith Nolting regarding Wastewater Treatment and Collection Study. Tom Swenson, Teri Hastings, Mark Hallan and Dave Reese recently met with Pat Conroy to discuss funding options. They also discussed several options for a treatment plant including design and flexibility of load swings between summer and winter. Dave Reese will make a presentation at the next Planning and Zoning meeting.
11. Lions Club Semi-Annual Report - The Council acknowledged the impressive list of donations from the first half of the Lions Club Fiscal Year 1997-1998.
12. 12/02/97 letter from Senator Rod Grams.
13. 1/07/98 letter from City Attorney to D&M Investments regarding the Letter of Credit, Development Agreement and Warranty Deeds for M&D Addition.
14. Discussion of obtaining quotations on aerial photograph of City. Tom Swenson felt it would be helpful to the various departments within the City if an aerial photograph of the City was obtained. He requested permission to obtain quotes. MOTION 1R-05-98 WAS MADE BY CHUCK MILLER AND SECONDED BY DONNA KEIFFER TO PURSUE OBTAINING QUOTATIONS FOR AERIAL PHOTOGRAPHY. There was some discussion about obtaining aerial photographs from the Federal Government or from individual companies. MOTION CARRIED UNANIMOUSLY.

COMMISSION REPORTS -

PLANNING AND ZONING - Teri Hastings commented that three applications for alternate members to the Planning and Zoning Commission were received. Action will be taken at the meeting scheduled for Friday, January 16, 1998.

LONG RANGE CAPITAL PLANNING - Nothing

PUBLIC WORKS - The January 19th meeting has been rescheduled to Tuesday, January 20th due to the observance of Martin Luther King's birthday.

A public hearing is set for Wednesday, January 14, 1998 at 7:00 P.M. at City Hall to review the Road Policy Ordinance.

The City Attorney commented that all checks for the purchase of right-of-way along Wilderness Trail Road have either been mailed to the property owners or are awaiting clarification on how the payment will be divided between several of the property owners due to the sale of a portion of the property which the City is purchasing.

Dave Kolesar addressed the Council and stated that he has been retained by Jack and Dee Stone to represent them in working with Bill Reed, Jim Cotton and the City in developing the Central Business District Road. Mr. Kolesar requested that the City halt any work on the road for approximately six months until a plan can be put together by the developers. He indicated that the developers may be interested in looking at curb and gutter as well as blacktopping. City Engineer Dave Reese agreed that the planning should be done ahead of time with input from the City in the review process. He did not feel that waiting six months would be a problem. The difference between a rural and urban road was discussed. Mr. Reese stated that an urban road is built lower so drainage flows into the street and then into a storm sewer. He stated that it is not easy to convert from rural to urban so planning should be done up front. Dean Swanson commented on behalf of the Public Works commission that the request from Mr. Kolesar was a reasonable request. Two quotes for soil borings have been obtained and approval from the Council was requested. MOTION 1R-06-98 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO APPROVE SOIL BORINGS FOR WILDERNESS TRAIL ROAD AND THE DOWNTOWN ROAD FROM INDEPENDENT TESTING TECHNOLOGIES IN THE AMOUNT OF \$3,775.00. MOTION CARRIED UNANIMOUSLY.

City Administrator Tom Swenson requested a decision from the Council as to what to do with the logs that have been piled on City property as a result of clearing the downtown road. He stated that while loggers were interested in the wood they would not agree to pay the City for the wood. Two individuals have contacted City Hall requesting approval to take the wood for firewood. Approval has not been granted due to the liability issue. MOTION 1R-07-98 WAS MADE BY RICHARD UPTON AND SECONDED BY RAY SMYTH TO AUTHORIZE ADVERTISING TO REMOVE THE WOOD FROM THE CITY'S PROPERTY. MOTION CARRIED UNANIMOUSLY.

UTILITIES - Kevin Larson presented Telephone and Cable Company highlights for December, 1997.

Mr. Larson reported that he had attended a meeting at Pequot Lakes School regarding the taping of school board meetings. These meetings will then be televised on Channel 12.

A discussion ensued regarding Council approval for the City Attorney to submit a letter requesting an opinion from the Attorney General's Office regarding establishment of a Statutory Utilities Commission to oversee the Telephone and Cable operations. MOTION 1R-07-98 WAS MADE BY RAY SMYTH AND SECONDED BY RICHARD UPTON TO AUTHORIZE THE CITY ATTORNEY TO SEND A LETTER TO THE ATTORNEY GENERAL REGARDING ESTABLISHMENT OF A STATUTORY UTILITIES COMMISSION. MOTION CARRIED UNANIMOUSLY.

PARK AND RECREATION - In order to seek matching funds from the Department of Natural Resources Grant Program, a Park Development Resolution is required by the Council. MOTION 1R-08-98 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO ADOPT PARK DEVELOPMENT RESOLUTION 98-01. MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY - Police, fire and ambulance reports were included in the packet for Council information. Councilmember Keiffer read a letter she had prepared regarding upcoming Commission appointments and issues discussed at the recent Public Safety Commission meeting held on January 8, 1998.

PERSONNEL - Nothing

RECYCLING - A total of 145.13 tons has been recycled year-to-date.

ECONOMIC DEVELOPMENT AUTHORITY - Nothing

OLD BUSINESS - Nothing

NEW BUSINESS - Nothing

PUBLIC FORUM - Nothing

MOTION 1R-09-98 WAS MADE BY RICHARD UPTON AND SECONDED BY CHUCK MILLER TO ADJOURN THIS REGULAR MEETING AT 8:20 P.M. MOTION CARRIED UNANIMOUSLY.

Recorded and transcribed by:



Darlene J. Roach
Deputy Clerk

CITY OF CROSSLAKE

RESOLUTION NO. 98-01

Park Development Resolution

BE IT RESOLVED that the City of Crosslake act as legal sponsor for the project contained in the Outdoor Recreation Grant Program Application to be submitted on February 15, 1998 and that Thomas Swenson, City Administrator is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the City of Crosslake.

BE IS FURTHER RESOLVED that the City of Crosslake has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Crosslake has not incurred any costs and has not entered into any written agreements to purchase property.

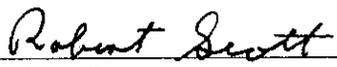
BE IS FURTHER RESOLVED that the City of Crosslake has not violated any Federal, State, or Local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IS FURTHER RESOLVED that upon approval of its application by the state, the City of Crosslake may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of Crosslake certifies that it will comply with all applicable laws and regulations as stated in the contract agreement and described in the Compliance section of the Outdoor Recreation Grant Program Application.

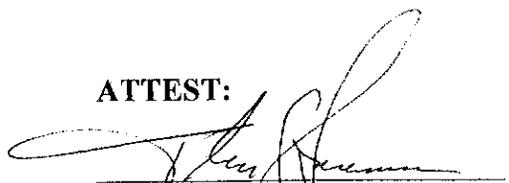
NOW, THEREFORE BE IT RESOLVED that Thomas Swenson, City Administrator is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City of Crosslake City Council on this 12th day of January, 1998.

CITY COUNCIL


Robert Scott, Mayor

ATTEST:


Thomas N. Swenson, City Administrator

E
1

BILLS FOR PAYMENT				
12-Jan-98				
VENDOR	CHECK	DEPT	AMOUNT	
Ace Hardware	26196	PW	\$39.02	
Chemsearch - Ice Melt	26199	PW	\$181.19	
Crosslake Auto -	26200	PW	\$4.89	
Crosslake Marine	26201		\$33.00	
Crosslake Telephone Co - Nov	26202	All	\$919.50	
Crosslake TV - Tape to VCR transf	26203	Admin	\$100.17	
Crow Wing Coop - Electric	26204	All	\$1,602.66	
Culligan - Water/Nov	25205	Govt	\$24.00	
Delta Dental -	26208	All	\$782.55	
Dunbar's Crosslake Septic - Stanley	26209	PW	\$65.00	
Heartland Tire - Tires	26212	Fire	\$490.91	
Int Assoc of Fire Chiefs - Dues	26214	Fire	\$95.00	
Lakes Area Rental - Sled work	26216	Police	\$54.95	
Leech Lake Distrib - Pol supplies	26217	Police	\$28.75	
MN Mutual Life Ins - City paid ins	26218	All	\$177.80	
Napa Auto Parts - Parts	26221	PW	\$61.84	
North EMS - EMT class	26222	Police	\$26.00	
NSP - Gas	26223	All	\$1,072.50	
Pine River Oil - Gas & Diesel	26224	PW	\$1,094.70	
Ranger Fire Prot - 2 sets prot cloth	26225	Fire	\$1,740.00	Motion made prev
Registrar - training	26227	PW	\$100.00	
Registrar - training	26228	PW	\$50.00	
Signal Div - siren misc	26229	Govt	\$24.38	
Office Shop - Staples	26231	P&Z	\$1.05	
Uniforms Unlimited - clothing	26232	Police	\$85.57	
Viking Coke - pop	26233	Govt	\$38.34	
Cellular One - Cell svc	26236	Police	\$42.25	
Coast to Coast - Misc	26237	PW	\$131.57	
Conney Safety - glasses	26238	PW	\$37.47	
David & Joan Nevin - ROW	26239	PW	\$1,260.00	Motion made prev
Gammello Trust Acct - ROW	26240	PW	\$1,460.00	Motion made prev
Gary & Nancy Eskridge - ROW	26241	PW	\$3,000.00	Motion made prev
Jean Starkka - ROW	26242	PW	\$360.00	Motion made prev
Martin Comm - Repair/labor - radio	26243	Fire	\$199.03	
Medica - dependent change	26244	PW	\$159.74	
Mermaid Ent - squad gasoline	26245	Police	\$293.72	
North Country Equip	26246	PW	\$58.17	
Northern Lakes Emb - clothing	26247	Police	\$127.80	
Office Max - Office supplies	26248	All	\$55.32	
Robert & Loyala Marshall - ROW	26249	PW	\$2,560.00	Motion made prev
Sportsman Store - squad gasoline	26250	Police	\$27.90	
Office Shop - supplies	26251	Admin	\$4.87	
Thomas Nelson - ROW	26252	PW	\$820.00	Motion made prev
Ziegler Inc. - Grader repair	26253	PW	\$944.11	
Auto Value West -	26257	PW	\$175.57	
Bait Box Marina - Squad gasoline	26258	Police	\$16.95	
Crow Wing County Auditor - Taxes	26259	PW	\$674.84	Stanley property
Fitness Wholesale - benches	26260	Park	\$233.80	

CITY OF CROSSLAKE

RESOLUTION NO. 98-01

Park Development Resolution

BE IT RESOLVED that the City of Crosslake act as legal sponsor for the project contained in the Outdoor Recreation Grant Program Application to be submitted on February 15, 1998 and that Thomas Swenson, City Administrator is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the City of Crosslake.

BE IS FURTHER RESOLVED that the City of Crosslake has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Crosslake has not incurred any costs and has not entered into any written agreements to purchase property.

BE IS FURTHER RESOLVED that the City of Crosslake has not violated any Federal, State, or Local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IS FURTHER RESOLVED that upon approval of its application by the state, the City of Crosslake may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of Crosslake certifies that it will comply with all applicable laws and regulations as stated in the contract agreement and described in the Compliance section of the Outdoor Recreation Grant Program Application.

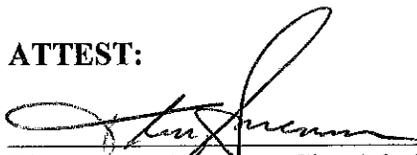
NOW, THEREFORE BE IT RESOLVED that Thomas Swenson, City Administrator is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City of Crosslake City Council on this 12th day of January, 1998.

CITY COUNCIL


Robert Scott, Mayor

ATTEST:


Thomas N. Swenson, City Administrator

ITEM 7 - COMPLIANCES

All project must comply with applicable state and federal laws, rules and regulations that apply to the Outdoor Recreation Grant Program including but not limited to:

1. OMB Circular A-128 - Implements the Single Audit Act of 1984 (P.L. 98-502), which establishes audit requirements for State and Local governments receiving federal funds.
2. OMB Circular A-87 - Establishes "Principles for Determining Costs Applicable to Grants and Contracts with State, Local and Federally Recognized Indian Tribal Governments."
3. Section 504 of the Federal Rehabilitation Act of 1973 and MN Laws, Chapter 363 Minnesota Human Rights Act - Require that all public facilities and programs be designed and constructed to be accessible to the physically handicapped.
4. Architectural Barriers Act of 1968 (P.L. 90-480) - Ensures that certain buildings financed with Federal funds are designed and constructed to be accessible to the physically handicapped.
5. Americans with Disabilities Act (ADA) P.L. 101-336, 104 Stat. 327, July 30, (1990) - Ensures the elimination of discrimination against individuals with disabilities.
6. Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and subsequent regulations - Ensures access to facilities or programs regardless of race, color, religion, sex, or national origin.
7. Executive Order 11246, as amended by Executive Orders 11375 and 12086 and subsequent regulations - Prohibits employment discrimination on the basis of race, color, religion, sex or national origin.
8. Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and subsequent regulations - Identifies procedures for the acquisition of property and relocation of persons and businesses.
9. Executive Orders 11988 and 12148, Floodplain Management - Requires action to minimize the impact of floods on assisted projects.
10. Clean Water Act and Executive Order 11288 - Requires protection of surface and ground water resources.
11. Executive Order 12549, Debarment and suspension (43 CFR, Part 12, Section 12.510) - Requires a certification regarding Federal Debarment, suspension and other responsibility matters.
12. Restrictions on Lobbying with Appropriated Funds (P.L. 101-121 Section 319)(31 USC Section 1352) - Requires a certification that no Federal funds be utilized to lobby or gain undue influence in connection with a Federal grant or loan.

13. Contract Work Hours and Safety Standards Act of 1962 (40 USC, Section 327-333), State Laws - Requires payment of wages, at hourly rates, as established by the Department of Labor.

14. The Archeological and Historic Preservation Act of 1974, as amended (P.L. 93-291, 16 USC, Section 469 et. seq.), Minnesota Statutes 138 - Requires a review by the Historical Society to determine if there are any known or suspected historic or cultural properties within the proposed project area. An archeological survey of the site could be required before the project receives approval for construction.

15. The National Preservation Act of 1966, as amended (P.L. 88-655, 16 USC Section 470 et. seq.) - Requires a review to determine if the site is eligible for listing on the National Register of Historic Places.

16. The National Environmental Policy Act of 1969 (42 USC, Section 4321 et. seq.) and other related acts to the environment - Requires an analysis of the project's environmental impact and a description of efforts to mitigate the impact.

17. State Executive Order 91-3, Wetlands; Executive Order 11990, Protection of Wetlands, - Requires a review of the proposed project to determine if any wetlands would be adversely affected and if any alterations are approved to apply the principles of no-net-loss of wetlands during the conduct of their project.

18. Emergency Wetlands Resource Act of 1986 (P.L. 99-645).

19. The Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (Federal Register March 11, 1988, Volume 53, Number 48) - Establishes requirements for procurement and financial management.

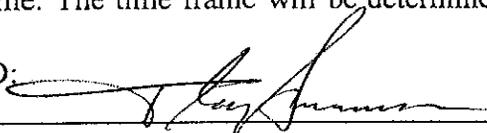
20. Executive Order 12432, Minority Business Enterprise Development - Encourages recipients to award construction, supply and professional service contracts to minority and women's business enterprises.

21. Land and Water Conservation Fund Program of Assistance to States: Post-Completion Compliance Responsibilities (36 CFR Part 59).

22. Other applicable statutes, executive orders and regulations as may be promulgated from time to time.

The applicant certifies that it will comply with the above-referenced list and when necessary, complete any action required to meet these compliances prior to project approval, within a set time frame. The time frame will be determined by the State depending on the required action.

SIGNED:



(Authorized Official)

City Administrator

1/12/98

(Title)

(Date)