

SPECIAL COUNCIL MEETING  
CITY OF CROSSLAKE  
THURSDAY, JANUARY 31, 2013  
9:00 A.M. – CITY HALL

The Crosslake City Council held a Special Meeting in the Council Chambers of City Hall on Thursday, January 31, 2013. The following Council Members were present: Mayor Darrell Schneider, Steve Roe, Gary Heacox, John Moengen and Mark Wessels. Also present were Interim City Administrator Jenny Max, Community Development Director Ken Anderson, Police Chief Bob Hartman, Public Works Director Ted Strand, Park and Recreation Director Jon Henke, General Manager Paul Hoge, Northland Press Reporter Paul Boblett, and Echo Publishing Reporter Kate Perkins. There were approximately twenty-one people in the audience.

Mayor Schneider called the Special Council Meeting to order at 9:00 A.M. and stated that this meeting was the Council's second work session related to the goals and objectives of the Council for 2013 and also appoint a new City Attorney. The Mayor commended Interim City Administrator Jenny Max, Community Development Director Ken Anderson and Deputy Clerk Char Nelson for the work they have done the last few weeks and for the thorough agenda packet for today's meeting. The Mayor also thanked Mark Wessels for the proposal he worked on for services with Crow Wing County Land Services, Steve Roe for representing Crosslake with BLAEDC and the County, and Gary Heacox for addressing difficult topics in his 2013 list of goals.

MOTION 01S2-01-13 WAS MADE BY DARRELL SCHNEIDER AND SECONDED BY MARK WESSELS TO APPOINT BRAD PERSON OF BREEN & PERSON, LTD AS CITY ATTORNEY AT A COST OF \$125 PER HOUR AS OUTLINED IN HIS CROSSLAKE CITY ATTORNEY PROPOSAL DATED 1/14/2013. Steve Roe opposed the appointment based on Council actions including the pre-screening of Mr. Person in December by four of the current Council Members and not notifying Attorney Couri that the Council wanted to replace him. Steve Roe stated that it is important for the Council to act as one whole body and Council Members should not be going out on their own to obtain quotes and services without the consent of all the Council Members. Mr. Roe felt that the City should have advertised for the position of City Attorney and added that Mr. Couri's rates were half the price of the prior local attorney. Mark Wessels stated that he thought all three attorneys who were interviewed were qualified, however, Mr. Scott did not have shoreland law experience and Mr. Thomas did not have municipal law experience. Mayor Schneider thought that the appointment of Mr. Breen could save the City money on travel expenses. MOTION CARRIED 4-1 WITH STEVE ROE OPPOSED.

Included in the packet for Council information was the consolidated list of the 2013 goals/objectives that the Council Members presented at the Special Meeting on January 18<sup>th</sup>. No action was required.

Mark Wessels read his proposal to have Crow Wing County Land Services conduct an assessment of the Crosslake Planning and Zoning Department. The resolution noted that prior discussions with the County have taken place since 2011 in an effort to share services and/or adopt the County Land Use Ordinance and the citizens and tax payers of Crosslake were very interested in this cost saving idea in 2011. No work with the County ever took place. MOTION 01S2-02-13 WAS MADE BY MARK WESSELS AND SECONDED BY JOHN MOENGEN TO APPROVE RESOLUTION NO. 13-01 CONTRACTING SERVICES WITH CROW WING COUNTY LAND SERVICES DEPARTMENT TO CONDUCT AN ASSESSMENT OF THE PLANNING AND ZONING DEPARTMENT AT NO COST TO THE CITY OF CROSSLAKE.

Mayor Schneider stated that he would prefer no motion be made at this point and that the resolution be presented for discussion only. Mark Wessels replied that he did want to proceed with the adoption of the resolution but it was the Mayor's prerogative whether or not to do that. Included in the packet for Council information was a memo dated January 31, 2013 from Jenny Max and Ken Anderson regarding points of discussion regarding the proposed collaboration with Crow Wing County for consulting services. Mr. Wessels felt that the memo criticized his resolution and wondered how much staff time it took for Max and Anderson to put the memo together. Mr. Wessels stated that the County offered to do the assessment at no cost to the City and the City should be happy to have this service available to them by a department that has won two national awards. Ken Anderson read the memo to the Council and audience. The memo included information that clarified/corrected statements in Mr. Wessels resolution and addressed concerns regarding the project. There are many unanswered questions including: What is the scope of work and purpose of the assessment/evaluation? What is the end game or exit strategy to this approach as proposed and written? Is there an expectation from the County that the City will be providing some future compensation to the County if they provide this consulting service now? Will the Crosslake Planning and Zoning Department staff have an opportunity to edit, collaborate, or refute the report findings? The City Council still has not been able to provide staff with concrete examples of what the issues are in Planning and Zoning that seem to be driving this initiative. Ms. Max and Mr. Anderson recommended that the City Council allow staff to meet with Crow Wing County Land Services to further understand the scope of work being proposed before any action is taken by the Council.

Mayor Schneider stated that he felt the Council Members should be able to talk to other bodies of government outside the Council Chambers, noting that Steve Roe works with BLAEDC. Mr. Roe replied that he does not discuss City business at BLAEDC meetings or any other group. John Moengen agreed that the Council Members should be free to discuss City business without Council direction in order to obtain new ideas and advice from other groups and other elected officials in the area that deal with similar issues. Mr. Moengen noted that the proposal from Mr. Wessels is gray and leaves room for interpretation but that the City needs to move forward and try something different, noting that the elected officials are allowed to take risks. Ken Anderson replied that he welcomes the collaboration with the County and is in favor of saving money. Mr. Anderson noted that the Joint Public Works Facility is a good example of the County and

City working together to share services and save money. Mr. Anderson reiterated that staff would like to be included in discussions regarding the assessment so that they know what the County is looking to review and asked the Council to be upfront with what they feel the issues with Planning and Zoning are. Mark Wessels replied that his motion is simple and is only asking an outside source to analyze Planning and Zoning. The evaluation itself will answer all the questions that were raised by Ms. Max and Mr. Anderson. When the report is completed, staff and Council can review it and react to it. Ken Anderson stated that performance evaluations of staff are done annually and the department was analyzed within the last two years by Peter Abler and Alden Hardwick at the request of the Mayor. Mr. Anderson questioned whether the Council was looking to identify problems or trying to fix current problems.

In defense of the memo written by Ms. Max and Mr. Anderson, Jenny Max stated that the main issue is that staff wants to be involved with the discussions with the County and reiterated that staff is willing to work with the County in any way. Ms. Max thought it was important to include the history of the proposed County collaborations from 2011 in the packet for those who were not part of the discussions at that time. John Moengen stated that it would be difficult for the Council to make a motion regarding the vacant position in Planning and Zoning without the report from the County to analyze whether a third person is needed or not. Mark Wessels stated that once the County Board approves the proposal, the County would send one person to the City once a week for several weeks. Mayor Schneider asked if the department will be able to operate normally while the County person was in the office. Mr. Wessels replied that the County person will try to stay out of the way and that it is important for them as well as the City that this assessment take place in the winter months while permit requests are low. Darrell Schneider stated that the Council needs to keep the City moving and that the list of questions from Ms. Max and Mr. Anderson is complex and time consuming to answer. Mr. Schneider noted that the Planning and Zoning Department is not failing and gave a brief history of his experience with the City of Lino Lakes when their planning and zoning department went through difficult times. Mr. Schneider stated that there is still a list of approximately 100 outstanding Planning and Zoning issues that need to be addressed or eliminated. Steve Roe suggested that the County make a proposal to the City for services related to the assessment of the Planning and Zoning Department. Mark Wessels replied that the County will provide a report to the City after they do the assessment. Steve Roe stated that he wanted something in writing from the County before the assessment commences. Mark Wessels argued that there is no need for the County to provide the City with any written documentation until after the assessment is complete and asked what Mr. Roe is afraid of in having the County come in to analyze the department. Mayor Schneider agreed that a meeting should be held once this proposed resolution was approved and before the County began its analysis. The Mayor stated that he would run the meeting and would require the County employee to be nonintrusive. City Staff would be welcome to attend the meeting. Gary Heacox asked that the entire Council be allowed to attend the meeting so that everyone knows what is going on. Mark Wessels noted that it is not his intention to fire any department heads and that he just wants this information from the County to help the City decide what changes, if any, need to be made in Planning and Zoning. MARK WESSELS AND JOHN MOENGEN

APPROVED THE ADDITION TO THE MOTION THAT "BEFORE THE CROW WING COUNTY LAND SERVICES CONDUCT AN ASSESSMENT OF THE PLANNING AND ZONING DEPARTMENT, A MEETING BE HELD TO GIVE DIRECTION, TIMELINE AND SCOPE OF SERVICES TO THE CITY". Mark Wessels noted that the County Board also has to approve the proposal before work commences. Steve Roe asked that the County provide something in writing regarding the scope of service for the Council to review before the meeting takes place. MOTION CARRIED 4-1 WITH STEVE ROE OPPOSED. Jenny Max asked who will be responsible to set the date and time for the meeting. Mark Wessels stated that he would deliver the signed resolution to Land Services for the County Board review. Once the Board approves the resolution, Mr. Wessels would arrange the meeting.

Included in the packet for Council review was a memo dated January 31, 2013 from Jenny Max regarding a recommendation on the future of the Administration and Planning and Zoning Departments. Ms. Max stated that she wanted this to be a starting point for the Council to create discussion about the issue. In the memo Ms. Max noted that in the last 30 days, she has taken on daily issues including involvement in road projects, union negotiations, fireworks issues, employee grievances and commission meetings on top of her current duties as Clerk/Treasurer. Although the City Administrator job description is not specific on each item, it is clear that these duties cannot be absorbed by one person as well as continue with current responsibilities. There has been discussion regarding the City Council having a more active role with City operations, but often times a staff member is still needed to take the Council's direction and see the direction through implementation to completion. Ms. Max feels competent to hold each the Clerk/Treasurer position or the City Administrator position but not hold both positions at the same time as the job descriptions are written. Ms. Max recommended that the Administration Department consist of a Treasurer/Administrator and a City Clerk which would save the City approximately \$53,000. If the Council were to decide not to hire a third person in the Planning and Zoning Department, an administrative person may be requested at some point to help with both departments. Jenny Max welcomed Council input and questions regarding the proposal. Mayor Schneider stated he wondered how Ms. Max was balancing all the duties she was assigned in January with being a mother and wife. The Mayor also stated that Ms. Max is doing a great job and the Council did not want to lose her. John Moengen asked if a third person would be necessary to take over some of the Deputy Clerk's duties if this proposal went through. It was noted that a third person in the Administration Department was not necessary at this time since the winter months are not as busy as the summer months. Mr. Moengen stated that the liaisons could be helpful in reducing the Administrator's responsibilities. Jenny Max replied that the Council could see if this scenario worked and could change it later if it didn't. John Moengen replied that he would like to look at the proposal more and that the Council could act on it at its next meeting. No other questions were asked by the Council. Gary Heacox stated that this is a seasonal community and an extra temporary person or intern could be hired during the busy months.

A memo dated January 22, 2013 from the Personnel Committee regarding a recommendation to review staffing options for Administration and Planning and Zoning

Departments was included in the packet for Council review. The Personnel Committee held a meeting on January 22<sup>nd</sup> to discuss the resignation of Edy Asell in the Planning and Zoning Department effective January 25<sup>th</sup> and whether or not to fill the vacancy. It was the consensus of the Committee that the City Council should establish a plan of action for staffing needs. John Moengen stated that it would be difficult to hire someone until the Council knows which direction it is going to take after the assessment by the County is complete. Mayor Schneider asked if a third person is needed now to assist both the Administration and Planning and Zoning Departments. It was reiterated that there is no need to hire an assistant at this point.

There being no further business at 10:40 A.M., the Mayor invited public comments for the last few minutes of the meeting. Dave Nevin of 15024 Wilderness Trail stated that he was impressed with the postings of meetings in the newspapers. Deputy Clerk Nelson replied that the City does not post meeting notices in the paper and that sometimes a newspaper is looking to fill a page and will add the meeting notice or agenda.

Roger Roy of Cross-Tech Manufacturing stated he feels that the business community needs to have say in Council decisions.

Mark Wessels stated that he is in favor of putting the video recordings of Council Meetings on the web to reach more people especially those who are out of town. MOTION 01S2-03-13 WAS MADE BY MARK WESSELS AND SECONDED BY JOHN MOENGEN TO CHANGE THE CITY'S RECORD RETENTION SCHEDULE FROM DESTROYING VIDEO RECORDINGS 3 MONTHS AFTER THE MINUTES ARE APPROVED AS DIRECTED BY THE STATE OF MINNESOTA TO NO LONGER DESTROYING ANY VIDEOS UNTIL FURTHER NOTICE. MOTION CARRIED WITH ALL AYES. Mr. Wessels did note that no videos recordings have been destroyed as of yet but that the City did have the authority to do that.

MOTION 01S2-04-13 WAS MADE BY STEVE ROE AND SECONDED BY JOHN MOENGEN TO TELEVISE ALL CITY COUNCIL MEETINGS, BOTH REGULAR AND SPECIAL, ON THE LOCAL CABLE CHANNEL 12. MOTION CARRIED WITH ALL AYES.

John Moengen asked Roger Roy what the Council could do to improve communication with businesses and whether airing the Council Meetings on TV and the web would be enough. Moengen suggested that the Council allow more public forum time during meetings to the business owners. Roger Roy replied that he will meet with the other business owners and put a plan together. John Moengen suggested that the Council appoint a liaison to the business community. Patty Norgaard, EDA President, stated that the EDA is beginning a Business Retention Education program and EDA members will be reaching out to the business community to find out what the businesses need from the City and what the EDA can do to help.

Gerry Brine of 36257 Pine Bay Circle addressed the Council and stated that the comments made at the Special Meeting on the 18<sup>th</sup> regarding the length of time it took

City Attorney Couri to respond and get back to the Council on certain issues were unjustified because an attorney often wants to do some research before rendering an opinion with the ever changing laws. Mr. Brine also commended Jenny Max for the memo she put together asking the Council for direction. As far as contracting services with Crow Wing County, Mr. Brine stated that he did consulting work in the past and never would have entered into an agreement without knowing the scope and objective of the project first.

There being no further discussion, MOTION 01S2-05-13 WAS MADE BY JOHN MOENGEN AND SECONDED BY MARK WESSELS TO ADJOURN THE SPECIAL MEETING AT 10:58 A.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,



Charlene Nelson  
Deputy Clerk

Deputy Clerk/Minutes/1-31-13

RESOLUTION NO. 13-01

CITY OF CROSSLAKE  
COUNTY OF CROW WING  
STATE OF MINNESOTA

RESOLUTION CONTRACTING SERVICES WITH  
CROW WING COUNTY LAND SERVICES DEPARTMENT

**Whereas**, in early 2011 Crow Wing County Land Services had conversations with the City of Crosslake regarding the possibility to save Crosslake *approximately* \$100,000 per year by sharing services with our Planning and Zoning Department; and

**Whereas**, in May of 2011 the Council Chambers were packed, including the hall way to standing room only, because citizens and tax payers were very interested in the City exploring this cost saving idea; and

**Whereas**, at the Regular Crosslake City Council Meeting on 5/9/11, Council passed by motion with All Ayes to explore the feasibility of running a joint venture with the county: MOTION 05R-04-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DARRELL SCHNEIDER TO APPROVE RESOLUTION NO. 11-11 DIRECTING STAFF TO WORK WITH THE CROW WING COUNTY LAND SERVICES DEPARTMENT TO ARRIVE AT A CONTRACT FOR PLANNING AND ZONING ADMINISTRATIVE SERVICES. MOTION CARRIED WITH ALL AYES; and

**Whereas**, no work with Crow Wing County ever took place. At the 6/2/11 Regular Council Meeting a volunteer from Crosslake prepared a report that discussed the readability of the County Ordinance vs. Crosslake's but no cost comparison was included showing there would or would not be a savings for Crosslake. THE COUNTY WAS NOT INVOLVED in any report; and

**Whereas**, every new State update to Shoreland Rules eventually REQUIRED counties and municipalities to adopt the new rules. Crosslake has a huge stake in maintaining high water quality standards. We should be at the front of this new standard, not waiting for a mandate from the State. This also gives Crosslake more flexibility in adopting the rules with modifications considering our unusual topography; and

**Whereas**, it was never proposed to "farm out" Crosslake Planning and Zoning or release control of our Land Use Ordinance in any way to the County. Crow Wing County will work for Crosslake under this or any future agreement. Final authority will rest with the Crosslake City Council; and

**Whereas**, much discussion has taken place about where this County person would work. Since one employee has now left the department the County person could use that desk and space.

**Now Therefore, Be It Resolved by the City Council of the City of Crosslake, Minnesota, Hereby Declares by Motion** to have Crow Wing County Land Services conduct an assessment of the Planning and Zoning Department at Crosslake. This will take approximately two to three months to evaluate systems, processes, and employee performance within Crosslake Planning and Zoning and to advise Council of needed changes.

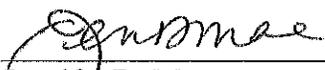
This will require full access to Departments Planning and Zoning, Community Development, and the Planning and Zoning Commission. Authorization and full cooperation is hereby granted to Crow Wing County Land Services personnel for making this report.

Crosslake City Council does wish to enter into a contract with Crow Wing County, subject to County Board approval, to provide this report to Crosslake at no charge. The contract may be extended by majority vote of Crosslake City Council and with Crow Wing County Board approval.

The contract does not alter the current structure of Crosslake Planning and Zoning or Community Development. Mr. Anderson will remain in his duties and assist County Land Services by providing requested information.

Crosslake wishes to commence with an update of our Land Use Ordinance to conform more closely with the new State Shoreland Rules. The County has great experience in this area and can help move this process along quickly. This new position and partnership with the county will have the secondary focus of moving Crosslake in this direction by advising Council toward that goal.

Adopted by the Crosslake City Council this 31st day of January 2013.

  
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Jennifer D. Max  
Interim City Administrator

  
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Darrell Schneider  
Mayor