

SPECIAL JOINT COUNCIL MEETING
CITY COUNCIL AND PLANNING & ZONING COMMISSION
CITY OF CROSSLAKE
THURSDAY, FEBRUARY 3, 2011
9:00 A.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Thursday, February 3, 2011. The following Council Members were present: Mayor Darrell Schneider, Steve Roe, John Moengen and Dean Swanson. Absent was Rusty Taubert. Also present were City Administrator Tom Swenson, Clerk/Treasurer Jenny Max, Community Development Director Ken Anderson, Police Chief Bob Hartman, Park and Recreation Director Jon Henke, City Attorney Mike Couri, City Engineer Dave Reese and Planning and Zoning Commission Members Mike Winkels, Dale Melberg, Ron Hagen and Nancy Addington. There were approximately ten people in the audience.

1. Call to Order – Mayor Schneider called the Special Council Meeting to order at 9:00 A.M.
2. Bills for Approval – MOTION 02S1-01-11 WAS MADE BY DEAN SWANSON AND SECONDED BY JOHN MOENGEN TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$41,284.66. MOTION CARRIED WITH ALL AYES.
3. Mr. Anderson addressed the Council and provided a brief review of the unpaid subdivision and zoning charges for Dean and Judy Eggena and David Nevin. Mr. Anderson also reviewed the information provided in the Council packet including various memos, spreadsheets, fee schedules and invoices to provide the Council with more supporting detail. Mr. Anderson stated that based on the information provided, the staff is requesting Council approval to certify to the County Auditor-Treasurer the unpaid subdivision and zoning charges that total \$4,820.25 for both Mr. Eggena and Mr. Nevin which would be placed on their property taxes payable in 2012. The City also incurred additional costs of \$186.58 for Mr. Eggena and \$911.25 for Mr. Nevin that was never billed and Mr. Anderson stated that it is the Council's discretion whether or not to pass along those fees; however, the staff's recommendation is not to include the additional amount at this time. Councilmember Moengen suggested the Council move to agenda item #4 and look at the application processing and work procedures before determining the amount of fees to charge Mr. Eggena and Mr. Nevin. The Council agreed to address the unpaid fees after review of the application processing and work procedures.
4. In moving the discussion to the City's application processing and work procedures, Mr. Anderson stated when someone comes into Planning and Zoning with an application that requires a public hearing, the staff will talk with the person about the general process that takes place, have the applicant fill out any forms, pay the appropriate fees, enter the information into the computer, review the application and any supporting information to make sure the requirements are met and notify the applicant of any missing information within fifteen days. If there is no missing

information the application is processed and a public hearing is placed on the agenda for the next Planning and Zoning Commission meeting. The Planning and Zoning Commission will discuss the application and make a decision on whether to approve or deny the application. As part of the approval or denial the Commission will adopt a resolution supporting their decision. The resolution will include a condition that the applicant shall reimburse the City for all fees resulting from services provided by the City Attorney, City Engineer and City Surveyor before the permit will be issued. After a decision is made the Planning and Zoning staff will send a letter to the applicant informing them of the decision. Mr. Anderson stated that it is difficult to determine what the City Attorney and City Engineer costs are going to be because each application has its own set of unique circumstances. The complexity of the project may also play a role in the amount of professional fees that are incurred. Mr. Anderson stated that both of the City's professional consultants provide excellent work, they do not bill for all of their time and believes the Planning and Zoning Commission values their input.

Dean Eggena of 14495 Daggett Pine Road was present and reviewed various subdivision regulations from the City Code with the Council. Mr. Eggena stated that in his opinion there is no language in the ordinance that states the attorney or engineer will do anything in the preliminary plat process. Mr. Eggena's opinion was that the attorney and engineer are to review the application only after preliminary plat approval. City Attorney Couri stated that Minnesota Statutes read the conditions as they are set on the preliminary plat are binding to the city and that it is necessary to have consultants review any issues before approving the preliminary plat. Attorney Couri noted the process that was followed by Mr. Anderson and Mr. Hargrave was consistent with other cities' processes and Mr. Eggena was given sufficient notice of deficiencies in his application that did not meet current city standards. The Council held a lengthy discussion on various aspects of the timing of Mr. Eggena's applications and the expenses that were incurred by the City relating to his projects.

Councilmember Moengen asked how this situation could have been handled better and how the city determines when an attorney or engineer bill should be paid by a developer versus the city absorbing the costs if the issue may be benefiting more than just one specific situation. City Administrator Swenson noted that he doesn't think the general taxpayer should have to pay for a developer's costs in doing a project. Mr. Swenson also stated that its difficult for the staff to know what to do because if they don't spend the time and try to work with someone on a project, then there are complaints that they aren't being flexible. Planning and Zoning Commission Chair Mike Winkels stated he knows what Planning and Zoning goes through and whenever someone doesn't get their way their first reaction is to want an ordinance changed in order to meet their needs. Nancy Addington was present and said her recommendation would be to look at incorporating the State Building Code and that many people don't take after-the-fact permit fees seriously. Councilmember Swanson stated there is blame on both sides of the issue and the Council needs to determine what to charge for outstanding fees in this situation. Councilmember Roe stated a person should be able to come in with a concept plan and get advice without being charged for it. Mr. Winkels also commented that the problem with giving

suggestions for conceptual questions is that often times a person may not know all of the circumstances and then they get upset when the advice given by Planning and Zoning is no longer valid when all of the information is presented. In discussion it was pointed out that the City had received a formal preliminary plat application. Attorney Couri suggested the Council add a step in the process that before the staff engages the attorney in any discussion the applicant be notified of any missing information and allow them to remedy any issues on the front-end. Various discussion ensued regarding the timing of when it is appropriate to seek the opinions of the City Attorney or City Engineer and what types of things should be billed to the customer versus being absorbed by the City.

The Council next held a lengthy discussion on the amounts owed by Mr. Eggena and Mr. Nevin. Councilmember Roe said the Council should come to a negotiated amount to satisfy all obligations and start with a clean slate going forward. Councilmember Roe suggested charging Mr. and Mrs. Eggena \$1,500.00 and Mr. Nevin \$500.00 which would satisfy all requirements relating to these applications. The Council asked Mr. Eggena if he was in agreement with this amount and Mr. Eggena stated he would accept that amount from the Council and would not pursue this matter further in court. Mayor Schneider commented that it would be helpful if there was more detail in the billings received from the attorney and engineer to more easily see what work was done. There being no further discussion, MOTION 02S1-02-11 WAS MADE BY STEVE ROE AND SECONDED BY DEAN SWANSON TO INVOICE DEAN AND JUDY EGGENA \$1,500.00 TO SATISFY ALL CHARGES OWED THE CITY OF CROSSLAKE AND TO INVOICE DAVE NEVIN \$500.00 TO SATISFY ALL CHARGES OWED THE CITY OF CROSSLAKE. Councilmember Roe stated he would like to see the staff make some changes to their process in order to communicate to an applicant when they will be billed for costs incurred including consulting costs. MOTION CARRIED WITH ALL AYES.

5. City Administrator Swenson stated he was contacted by the City of Breezy Point with a proposal to contract with the City of Crosslake to provide personnel assistance in providing Planning and Zoning services to their City as their former associate planner has resigned. The City of Breezy Point has proposed Crosslake provide staff assistance to them for 3-eight hour days a week. Additionally their Planning and Zoning Commission and City Council meet once a month on separate evenings. The City of Crosslake would bill the City of Breezy Point for the hours worked to include wages and benefits for Lane Braaten to fulfill these duties. The contract would be for 120 days and would be reviewed after 90 days if it is anticipated the contract will be extended. Councilmember Swanson stated he does not feel this arrangement is a good idea due to the number of items that are on Planning and Zoning's to-do list and how losing a staff member would affect customer service. Councilmember Roe agreed and said that Mr. Anderson is here at all hours of the day and losing a staff member for three days a week would only increase his burden. MOTION 02S1-03-11 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO DENY THE REQUEST TO PROVIDE PERSONNEL ASSISTANCE TO THE CITY OF BREEZY POINT BASED ON THE WORK LOAD IN CROSSLAKE

AND IN FAIRNESS TO THE EMPLOYEES, MOTION CARRIED WITH ALL AYES.

6. City Administrator Swenson stated that Mr. Anderson was requested to be an Ex-Officio Member of the Pine River Watershed Alliance. Mr. Swenson noted the Alliance has an interest in having a Crosslake representative be a member in order to provide feedback on any issues that affect the City. Councilmember Roe stated that he has also just become an Ex-Officio Member of the Alliance and noted the time commitment would be approximately four hours per month at a minimum and could potentially be more if Mr. Anderson becomes involved with other groups. Councilmember Swanson said he feels Mr. Anderson doesn't need more on his plate right now and would prefer him not become involved, especially considering Councilmember Roe will be attending meetings. Councilmember Roe stated he can report back to Mr. Anderson on any issues that would be of interest to the City. MOTION 02S1-04-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO NAME STEVE ROE AS THE CITY LIAISON TO THE PINE RIVER WATERSHED ALLIANCE, MOTION CARRIED WITH ALL AYES.

There being no further business, MOTION 02S1-05-11 WAS MADE BY DEAN SWANSON AND SECONDED BY JOHN MOENGEN TO ADJOURN THIS SPECIAL JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION MEETING AT 11:50 A.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,



Jennifer Max
Clerk/Treasurer

Deputy Clerk/Minutes/2-3-11 Special.doc

BILLS FOR APPROVAL
February 3, 2011

VENDORS	DEPT		AMOUNT
Ace Hardware, car battery	P&Z		96.18
Ace Hardware, tape, drop cloth, adapter, extensions	PW		54.99
Ace Hardware, drill	PW		17.62
Ace Hardware, battery	Police		2.66
Ace Hardware, padlock, wd40	P&R		53.41
Ace Hardware, batteries	P&R		32.03
Ace Hardware, cable clamp	P&R		1.47
Ace Hardware, mouse trap	P&R		3.21
Ace Hardware, cell phone battery	Police		47.98
Ace Hardware, tool box	PW		45.82
AW Research, water test	Sewer		113.40
AW Research, water test	Sewer		113.40
AW Research, water test	Sewer		116.40
AW Research, water test	Sewer		113.40
AW Research, water test	Sewer		113.40
Batteries Plus, batteries	PW		175.20
Birchdale Security, 1st quarter monitoring	PW/Gov't		160.32
Birchdale Security, program computer to view camera	PW		80.16
Birchdale Security, upgrade fire alarm	P&R		1,587.09
Birchdale Security, 1st quarter monitoring	P&R		69.47
Bob Hartman, reimburse mileage	Police		132.60
Bob Hartman, reimburse travel expense	Police		10.51
Brainerd Hydraulics, hose and fittings	PW		75.17
Brainerd License Office, transfer title	Police	pd 1-18-11	20.00
Brainerd Medical Clinic, drug test	P&R		25.00
California Contractors, hard hats	PW	pd 1-26-11	214.80
Chemsearch, tuf grit	PW		283.07
City of Crosslake, sewer utilities	PW/Gov't		108.00
Couri MacArthur Ruppee, legal fees	ALL		2,242.50
Crosslake Communications, phone, fax, dsl, cable	ALL		1,821.63
Crosslake Rolloff, recycling	Gov't		2,695.00
Crow Wing County Historical Society, financial support	Gov't		100.00
Crow Wing County Recorder, filing of 11 resolutions	P&Z		506.00
Dacotah Paper, tissue, towels, soap	P&R		379.30
Darrell Schneider, reimburse mileage	Council		112.71
Dean Swanson, reimburse mileage	Council		58.14
Demco, letter board	Library		220.70
Fastenal, gloves	PW		33.89
Fastenal, gallon cans with hoses	PW		188.95
Fastenal, nut driver set	PW		171.75
Ferguson Waterworks, new meter reader system	Sewer		9,845.91
Government Data Publications, subscription	Gov't		107.95
Hawkins, aqua hawk, ferric chloride	Sewer		586.37
Hildi, year end gasb 45 disclosures	Gov't		200.00
Houston Ford, oil change	Police		21.09

Houston Ford, repair rear defrost	Police		61.86
Jefferson Fire & Safety, pants	Fire		496.39
Ken Anderson, reimburse travel expenses	P&Z		154.67
Lane Braaten, reimburse travel expenses	P&Z		228.81
Marco, copier lease	ALL	pd 1-24-11	396.42
Martin Communications, radio with charger	Fire		931.95
Mastercard, Culvers, travel expense	Police		12.55
Mastercard, Fleet Farm, uniform, light	PW		157.48
Mastercard, LA Police Gear, boots	Police	pd 1-24-11	132.98
Mastercard, Lakes Gas, propane	PW		74.81
Mastercard, MCFOA, annual conference	Admin		400.00
Mastercard, Mr. Tire, oil change	PW		29.38
Mastercard, Office Max, ink, flash drive, wrist cushion	Library		117.85
Mastercard, Office Max, ink	P&R		26.55
Mastercard, Raffertys, planning and zoning meeting	P&Z		64.09
Mastercard, Raffertys, inventory for volunteers	Library		46.15
Menards, garage heater, gloves, tees, pipe	PW		712.68
Menards, drywall and supplies	Gov't		31.87
Meyer Midwest, spring	PW		46.66
MN Rural Water Assn, annual conference	Sewer		175.00
MPCA, wastewater operations conference	Sewer		300.00
National Recreation & Park Assn, membership dues	P&R		145.00
Neal Spilman, oil	PW		175.06
Northland Press, ordinance 295	P&Z		64.00
Northland Press, meeting notice of 1/28	P&Z		72.00
Northland Press, window envelopes	Admin		79.00
Northland Press, budget summary publication	Gov't		108.00
Northwood Turf and Power, chain, idler	PW		120.14
Pequot Auto Parts, hose	PW		31.73
Pine River-Backus Grad Blast Committee, Support	Gov't		100.00
Postmaster, postage meter refill	P&Z/Admin		1,600.00
Public Safety Equipment, radar certification	Police		150.00
Reeds Market, meeting with business owners	Gov't		19.45
Reeds market, coffee, tissues, napkins	Gov't		58.08
ServPro, mold remediation	Gov't		276.65
Simonson Lumber, sheetrock, drywall, shaver, sponge	Gov't		48.01
Simonson Lumber, insulation	Gov't		26.33
Sirchie, integrity bags, envelopes	Police		88.75
Steve Roe, reimburse mileage	Council		71.40
Team Laboratory, mr. slick	PW		159.24
The Office Shop, personnel folders, erasers	Admin		21.20
The Office Shop, minute paper	Admin		115.40
The Office Shop, copy paper	P&Z/Admin		141.08
The Office Shop, creamer	Gov't		1.81
The Office Shop, coffee cups	Gov't		38.89
Triangle Oil, transmission fluid	PW		105.81
Triangle Oil, hydraulic oil	PW		678.35
Triangle Oil, tractor fluid	PW		268.10
Uniforms Unlimited, magazines, cartridges	Police		619.83
Verizon, air card charges	Police		130.10
Viking Electric, light bulbs	PW		120.15

