

REGULAR COUNCIL MEETING  
CITY OF CROSSLAKE  
MONDAY, FEBRUARY 9, 2004  
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, February 9, 2004 at 7:00 P.M. The following Councilmembers were present: Mayor Darrell Swanson, Dean Eggena, Irene Schultz and Dick Phillips. Absent was Chuck Miller. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, City Attorney Paul Sandelin, City Engineer Dave Reese, Public Works Director Ted Strand, Park and Recreation Director Jon Henke, Police Chief Bob Hartman, 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 asked for a motion to accept the additions to the agenda. MOTION 2R-01-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.
- B. CRITICAL ISSUES** – None
- C. CONSENT CALENDAR** - MOTION 02R-02-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DICK PHILLIPS TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR CONSISTING OF: (1.) MINUTES OF SPECIAL COUNCIL MEETING OF DECEMBER 23, 2003; (2.) MINUTES OF SPECIAL COUNCIL MEETING OF JANUARY 5, 2004; (3.) MINUTES OF SPECIAL COUNCIL MEETING OF JANUARY 7, 2004; (4.) MINUTES OF PUBLIC HEARING OF JANUARY 12, 2004; (5.) MINUTES OF REGULAR COUNCIL MEETING OF JANUARY 12, 2004; (6.) MINUTES OF SPECIAL COUNCIL MEETING OF JANUARY 13, 2004; (7.) MINUTES OF JOINT COUNCIL/PLANNING AND ZONING MEETING OF JANUARY 20, 2004; (8.) MINUTES OF SPECIAL COUNCIL MEETING OF JANUARY 27, 2004; (9.) CROSSLAKE COMMUNICATIONS TELEPHONE AND CABLEVISION COMPANY STATISTICAL REPORT DATED DECEMBER 31, 2003; (10.) CITY MONTH END REVENUE REPORT DATED DECEMBER 31, 2003; AND (11.) CITY MONTH END EXPENDITURE REPORT DATED DECEMBER 31, 2003. MOTION CARRIED WITH ALL AYES.
- D. PUBLIC FORUM** – Councilmember Schultz thanked the Community for the support shown her during the recent loss of her husband, Richard Schultz.
- E. MAYOR'S REPORT** – Nothing

**F. CITY ADMINISTRATOR REPORT –**

1. Bills for Approval - MOTION 02R-03-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO APPROVE THE BILLS FOR PAYMENT IN THE AMOUNT OF \$83,325.51. MOTION CARRIED WITH ALL AYES.
2. A letter dated January 20, 2004 from the Department of the Army included execution of an easement for a permanent road located on Government property known as Pine River Reservoir. This easement from the Corp of Engineers is required in order to accommodate a proposed road in the Duckwood Plat connecting with County Road #103. MOTION 02R-04-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO ACCEPT THE EASEMENT FOR A PUBLIC ROAD FROM THE DEPARTMENT OF THE ARMY CORPS OF ENGINEERS IN THE DUCKWOOD PLAT AND AUTHORIZE THE MAYOR AND ADMINISTRATOR TO EXECUTE ANY REQUIRED DOCUMENTS ON BEHALF OF THE CITY. MOTION CARRIED WITH ALL AYES.
3. Memo from Clerk Roach regarding release of Tax Increment Financing Funds – Approval to release 90% of the TIF tax revenue received from Crow Wing County on January 27, 2004 to Brian Bittner of Daggett Brook Villas was requested. Councilmember Eggena questioned why the developer gets paid if the taxes are not paid on a timely basis and whether this was in default of the Developer's Agreement. City Attorney Sandelin offered to check the Developer's Agreement. MOTION 02R-05-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE PAYMENT OF 90% OF THE TIF TAX REVENUE SUBJECT TO THE DEVELOPER'S HAVING MET THE TERMS OF THE DEVELOPMENT AGREEMENT. MOTION CARRIED WITH ALL AYES.
4. Memo from Clerk Roach requested approval on an officer/ownership change for Competition BBQ, Inc. MOTION 02R-06-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE CHANGE OF OWNERSHIP FOR COMPETITION BBQ TO INCLUDE CHARLES PALMER TORGERSON, JR. AS AN OFFICER OF THE CORPORATION. Background checks were conducted by the Police Department which resulted in satisfactory findings. MOTION CARRIED WITH ALL AYES.
5. A letter dated January 27<sup>th</sup> from Sheila Haverkamp of Brainerd Lakes Area Development Corporation included a contract for services between BLADC, the City of Crosslake and the EDA for calendar year 2004. Sheila Haverkamp addressed the Council and explained the work that BLADC does to assist communities in the development of economic growth. BLADC assists locally in administering the Revolving Loan Fund, gets involved with marketing activities, and updates the City's demographics in keeping the Community Profile up to date on the State's website. BLADC has been working with the new State Jobs Program, JOBZ and recently participated with Region 5 in obtaining JOBZ classification. Payment of \$1,500 from the City of Crosslake was requested for 2004. MOTION 02R-07-04 WAS MADE BY IRENE SCHULTZ AND

**SECONDED BY DICK PHILLIPS TO ACCEPT THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN BLADC AND THE CITY OF CROSSAKE IN THE AMOUNT OF \$1500 FOR 2004. MOTION CARRIED WITH ALL AYES.**

6. A letter dated January 22, 2004 from Sheila Haverkamp regarding BLADC's audited financial statements for fiscal year ending September 30, 2003 was included for Council information.
7. A letter dated February 2, 2004 from Crow Wing Power provided an update on the funds available to the City from the lighting program and was provided for Council information.
8. A copy of the Inkslinger Newsletter of the Paul Bunyan Scenic Byway dated Winter 2004 was included for Council information.
9. Lakes State Bank Pledge Update dated January 31, 2004 was included for Council information.
10. Lakewood Bank Pledge Update dated January 31, 2004 was included for Council information.
11. Northern National Bank Pledge Update dated January 31, 2004 was included for Council information.
12. Northern National Bank Certification of Adoption of Director's Resolution dated January 28, 2004 was included for Council information.
13. A letter dated January 29, 2004 from Crow Wing County Office of the Land Commissioner was included for Council information.
14. Letter dated February 4, 2004 from Crosslake Chamber Area Director Ruth Ann Hanson informed the Council of the Chamber's plans in regards to the annual St. Patrick's Day Parade. The Chamber will work in cooperation with the Police Department and Duane Blanck at the County. The parade will commence at Old Log Landing and proceed to Reed's Market. A certificate of liability insurance will be provided to the City.

**G. COMMISSION REPORTS –**

**1. SEWER –**

- a. Committee Chair Dean Swanson requested that City Engineer Dave Reese provide an update on the Sewer Project. Reese stated that he and Mark Hallan met with City Staff and KHC Construction recently to review the progress on the treatment plant. Everything is progressing according to schedule and plan. A meeting will be coordinated with the MPCA to view the plant prior to startup. No work is currently being done on the collection system. Spring start up will include work from the Reed's lift station to the Pine River bridge and from Holiday Station to Andy's with some directional boring in the front. A pay request from KHC Construction was reviewed and certified for payment by WSN. **MOTION 02R-08-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE PAY REQUEST NO. 11 FOR KHC CONSTRUCTION IN THE AMOUNT OF \$45,260. MOTION CARRIED WITH ALL AYES.**

- b. The minutes of the November 19<sup>th</sup> and December 10<sup>th</sup> Committee Meetings were included for Council information.
- c. A letter dated January 26<sup>th</sup> from Attorney Paul Sandelin included a copy of the Court's decision in the Golden Rule matter. The Court granted the City's motion for Summary Judgment and denied Golden Rule's Summary Judgment motion. Sandelin stated that the effect of this judgment is good for the City since the Court has validated the City's method of connection and user charges as it relates to commercial and residential properties. Councilmember Eggena commented on a statement in the minutes dealing with the conversion of septic tanks for use as lift stations. He stated that the Planning and Zoning Commission is working on an amendment to the ordinance regarding tank abandonment and would like to see a joint meeting with the Sewer Committee and Planning and Zoning Commission in an effort to keep the ordinance consistent both inside and outside Phase I.

## 2. PUBLIC WORKS –

- a. Public Works Director Ted Strand informed the Council that Staff is still working out bugs at the new facility but things are going well between the City and County.
- b. The minutes of the December 15, 2003 Commission meeting were included for Council information.
- c. East Shore Boulevard - City Administrator Swenson stated that if work is to proceed on improvement to East Shore Boulevard, adoption of a resolution is required. On January 28<sup>th</sup>, a public hearing was held which outlined the scope of the project and provided estimated costs of the improvement. There were no property owners present at the hearing and no correspondence was received in regards to the project. City Attorney Paul Sandelin responded to a question at the hearing from Councilmember Eggena regarding the City's ability to assess if the actual costs came in higher than the estimates. Sandelin stated that the language in the Statute does not allow the expansion of a project beyond what is proposed as a project, however, the estimates provided are good faith estimates. MOTION 02R-09-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE RESOLUTION NO. 04-02 ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR EAST SHORE BOULEVARD. MOTION CARRIED WITH ALL AYES.
- d. Edgewater Lane – City Administrator Swenson stated that a public hearing was held on January 28<sup>th</sup> and property owners in attendance expressed concern over drainage issues and whether the portion of road previously paved by a couple of property owners would be replaced during the Sewer project. City Attorney Sandelin noted that if the project does not proceed, based on the language in the deed, the currently un-maintained portion of the road will not become a City maintained road. City Engineer Dave Reese stated that WSN does have a videotape of the area from the Sewer Project which does identify the portion of roadway that was previously paved by the property owners. He stated that the road was previously paved up to the

concrete drive on the left. There was some discussion regarding who would be assessed for the project. Charley Schwartz addressed the Council and asked if all property owners would pay to correct the drainage problems of other property owners and City Engineer Dave Reese stated that these costs are included in the overall project cost. Councilmember Dick Phillips asked if anyone had petitioned to have the project completed or if the property owners even want the City to take over the road. City Administrator Swenson stated that there was no petition submitted to the City, but property owners did express their wishes verbally during Sewer meetings. Staff thought the road was a platted road and found out later that it is an un-maintained City road. Councilmember Eggena commented that the City ran a sewer line into the project and if the City doesn't accept the road, the line would be on private property, which could cause other property owners to challenge where lines are run. Mayor Swanson stated the road is a City road, just not maintained by the City. He further stated that the intention was for it to become a public road and the details as to who pays needs to be worked out. Councilmember Eggena stated that the City is not establishing minimum maintenance roads and feels we need to follow through with the improvement project to be consistent. Councilmember Phillips stated that he could not agree to proceed with the project since the property owners had not petitioned the City for the improvement. Since this is a City initiated project, a four/fifths vote of the Council is required to proceed. MOTION 02R-10-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR EDGEWATER LANE. MOTION FAILED ON A THREE TO ONE VOTE WITH COUNCILMEMBER PHILLIPS VOTING NAY. Councilmember Eggena asked what the bid date for the 2004 projects would be and whether time would allow for this issue to be brought back to the Council for further review. MOTION 02R-11-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO PLACE EDGEWATER LANE ON THE AGENDA FOR THE FEBRUARY 24<sup>TH</sup> SPECIAL COUNCIL MEETING. MOTION CARRIED THREE TO ONE WITH COUNCILMEMBER PHILLIPS VOTING NAY.

- e. Margaret Lane – City Administrator Swenson stated that a public hearing was held on January 28<sup>th</sup> to take public comments regarding the improvement to Margaret Lane. Two letters were received subsequent to this hearing which were read into the record by City Administrator Swenson. A letter from Paul and Carole McCulloch stated that they were in favor of blacktopping the road with the eight homeowners sharing 50% of the cost being assessed to property owners. If the City decides to upgrade the road to commercial standards, they would like to see the road assessed on an equivalent lot basis versus a front footage basis. A letter from Sharon Wrobel stated that she is in favor of improving the road provided 50% of the cost is assessed equally by eight lots, however if the road is improved to commercial standards, the increased cost for this upgrade be assessed 100%

to the commercial use properties. One of the issues brought up at the public hearing was the truck traffic created by deliveries to Zorbaz. City Administrator Swenson stated that three inches of Class 5 was put down after the sewer lines were installed and with an additional 4 inches of Class 5 put down under the 2 inches of blacktop, the strength of the road would be increased. City Engineer Dave Reese stated that a seven ton road could be achieved by putting in additional Class 5. Councilmember Eggena asked how much Class 5 was being put on Gendreau Road, which is proposed to be built to commercial standards, and Reese stated 3 to 3 ½ inches of Class 5 is proposed. City Administrator Swenson asked if 7 inches of sub-base is enough for a commercial road. Mayor Swanson asked City Attorney Sandelin if constructing the road to commercial standards would be expanding the scope of the work. City Engineer Reese stated that MN DOT's criteria are looked at when determining tonnage and for a seven ton road, nine to ten inches of material is required. MOTION 2R-12-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE RESOLUTION NO. 04-03 ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR MARGARET LANE TO INCLUDE ADDITIONAL CLASS 5 GRAVEL. MOTION CARRIED WITH ALL AYES.

- f. Gendreau Road - City Administrator Swenson stated that a public hearing was held on January 28<sup>th</sup> to take public input regarding improvement to this road. No property owners were present at the hearing and no correspondence was received in regards to the proposed improvement. MOTION 02R-13-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO APPROVE RESOLUTION NO. 04-04 ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR GENDREAU ROAD. MOTION CARRIED WITH ALL AYES.
- g. Letter dated February 3, 2004 from WSN regarding engineering design/construction observation services – MOTION 02R-14-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE ENGINEERING DESIGN/CONSTRUCTION OBSERVATION SERIES – 2004 STREET IMPROVEMENT PROPOSAL FROM WSN FOR EAST SHORE BOULEVARD, MARGARET LANE AND GENDREAU ROAD WITH THE PROPOSED COSTS NOT TO EXCEED \$10,500 FOR DESIGN SURVEY, PLANS, SPECIFICATIONS AND BIDDING AND ESTIMATED COSTS OF \$11,500 FOR CONSTRUCTION STAKING AND OBSERVATION. MOTION CARRIED WITH ALL AYES.
- h. Letter dated January 12, 2004 from WSN regarding engineering design/construction observation services for Daggett Pine Road including the bike path – MOTION 02R-15-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE ENGINEERING DESIGN/CONSTRUCTION OBSERVATION SERVICES 2004 STREET IMPROVEMENTS FOR DAGGETT PINE ROAD AND OFF ROAD BICYCLE/PEDESTRIAN PATH AT A COST

NOT TO EXCEED \$30,000 FOR SURVEY, DESIGN AND BIDDING; ESTIMATED COST OF \$38,500 FOR CONSTRUCTION OBSERVATION AND STAKING; AND A COST NOT TO EXCEED \$5,000 FOR PROPERTY MONUMENT RESTORATION. MOTION CARRIED WITH ALL AYES.

- i. Memo dated January 23, 2004 from Public Works Commission regarding acceptance of Gordon Circle Road Improvements/Wild Wind Subdivision - City Administrator Swenson stated that a staff report was received by the Public Works Commission from Community Development Director Ken Anderson which stated that the developer has completed the construction including bituminous surfacing of Gordon Circle. However, neither the City nor the City Engineer was notified as required in the Development Agreement at the various stages of construction. Mr. Peterson informed the Commission that the road was constructed by Anderson Brothers and designed and inspected by Landecker & Associates. Mr. Peterson will contact Landecker & Associates to provide inspection documents to the City Engineer for review. The commission approved a motion to recommend to the City Council that the City accept the road for maintenance purposes with the condition that Mr. Peterson extend the bond on the road to May 15, 2006 and that Mr. Peterson be responsible for any repairs required on Gordon Circle until May 15, 2006. The Commission also recommends that the City Attorney draft an addendum to the Development Agreement to extend the warranty period on the road. An email from City Engineer Dave Reese dated February 9<sup>th</sup> stated that WSN has contacted Landecker & Associates to inquire of their involvement in the construction observation and certification of roadway improvements. Derrick Anderson of Landecker & Associates indicated they had prepared the plans and specifications for the project, but had not been involved in any of the construction or inspection of the roadway. As of now, the road has not been accepted by the City so plowing and maintenance is the responsibility of the developer. City Engineer Dave Reese recommended that borings be done and the warranty extended to see how the road holds up. Councilmember Eggena asked what would happen if the City accepts the road with conditions and the road does not hold up. Could the road be turned back to the developer? City Administrator Swenson stated that he would like to see an agreement drawn up between the two parties which would protect the City if the road does not hold up. Councilmember Eggena asked how the plat got approved without a paved road and City Engineer Dave Reese stated it was approved because a bond was posted for 125% of the cost for improving the road. Councilmember Eggena stated that he would like to see language that the road gets torn up if it was not done right. City Attorney Sandelin stated that if the security or bond is not sufficient, they will have to make up the cost. Councilmember Eggena asked who would do the borings and City Engineer Reese stated they would obtain quotes and set a schedule. MOTION 02R-16-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO AUTHORIZE WSN OBTAINING QUOTES FOR BORING

THE ROADS IN GORDON CIRCLE WITH ALL COSTS INCURRED PAID BY THE DEVELOPER. City Administrator Swenson was directed to ensure that the bond or letter of credit is extended. MOTION CARRIED WITH ALL AYES.

- j. Memo dated January 23, 2004 from Public Works Commission regarding driveway access to Cool Haven Lane – At its meeting of January 22, 2004, the Commission reviewed the matter regarding driveway access for Lots 3 and 4 in Cool Haven Shores. It was the position of the Commission that the easements of record already provide for access and that the City take no action or incur any further expense in providing access to Lots 3 and 4. Based upon the research done by WSN, the City Attorney and the Public Works Commission, MOTION 02R-17-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ ACKNOWLEDGING THE PUBLIC WORKS COMMISSION'S RECOMMENDATION THAT THE CITY COUNCIL CONSENTS TO PROPERTY OWNERS INSTALLING DRIVEWAY ACCESS FOR LOTS 3 AND 4 OF COOL HAVEN SHORES. MOTION CARRIED WITH ALL AYES.
  - k. Memo dated January 23, 2004 from the Public Works Commission recommended the appointment of Allen Eliason as an alternate to the Public Works Commission and inform the City Council that the Commission will continue its search for a regular member. MOTION 02R-18-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO APPROVE THE APPOINTMENT OF ALLEN ELIASON AS AN ALTERNATE MEMBER OF THE PUBLIC WORKS COMMISSION. MOTION CARRIED WITH ALL AYES.
  - l. A memo dated February 4, 2004 from Duane Blanck regarding Fawn Lake Road was included for Council information.
  - m. A letter dated February 3, 2004 from Michael O'Donnell regarding his having received certified payrolls from the prime contractors for the Joint Public Works Facility was included for Council information.
3. **LIBRARY** – Chair Alden Hardwick addressed the Council and stated that joint letters were sent to Congressman Oberstar, Representative Howes and Senator Ruud from Mayor Swanson and Kitchigami Regional Library Director Marian Ridge in support of a Crosslake library. Alden reported that Marian Ridge has been very helpful and has offered to testify along with Mayor Swanson and himself when the funding bills are introduced in the House and Senate. Representative Larry Howes has introduced a \$250,000 appropriation for a grant to the City for design and construction of a library. Senator Ruud is proposing funding as part of a larger bonding bill. Letters requesting pledges are being sent out and the fund drive will pick up speed once the snowbirds return from their winter destinations. Mayor Swanson read a letter from Norson, which included a donation of \$1,000 to the Library Campaign. Approximately \$74,800 has been collected in pledges, donations and fundraisers for the Library. The minutes of the January 20, 2004 meeting of the Library Committee were included for Council information.

4. PUBLIC SAFETY - Chief Hartman reported that the Police Department logged 88 calls in Crosslake and 25 calls in Mission Township in January. Chief Hartman reported that the Crow Wing County Health Department has sent a draft of an Ordinance dealing with Drug Labs and Chemical Dump Sites which is under review by the County. A meeting to discuss the proposed ordinance is scheduled for January 27, 2004 at 11:00 a.m. in the County Board Room. Acceptance of a donation of \$800 from Paul and Carole McCulloch for the purchase of a taser gun for use by the Police Department was requested. MOTION 02R-19-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO ACCEPT WITH THANKS THE DONATION OF \$800 FROM PAUL AND CAROLE MCCULLOCH TO BE USED TOWARDS THE PURCHASE OF A TASER GUN FOR THE POLICE DEPARTMENT. MOION CARRIED WITH ALL AYES. Councilmember Schultz expressed disappointment with the small number of individuals attending the safety seminar recently put on by the Police Department at the Community Center. The Fire Department responded to six medical calls, two snowmobile accidents and one fire call in January.
5. PARK AND RECREATION –
- a. Park and Recreation Director Jon Henke presented his annual report to the Council. In 2003, a total of 31,320 guests utilized the Community Center. This number does not include the users of the playground, picnic shelter or ball fields at the Park. The highlight of the year was the donation of 30 acres of land from Frank and Sharon Cserpes bringing the total acreage at the Community Center site to 152 acres. A total of \$6,300 was accepted in donations from various individuals and service organizations in 2003. Improvements during 2003 include handicap doors, a press box, and new pump and sprinkler system for the ball fields. Overall it was a great year for users of the Park and for the City. The Park and Recreation Commission is recommending Morrie Mikkelson and Zach Hemphill be reappointed to serve a second term and Council approval was requested. MOTION 02R-20-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO RE-APPOINT MORRIE MIKKELSON AND ZACH HEMPHILL TO THEIR SECOND TERM ON THE PARK AND RECREATION COMMISSION. MOTION CARRIED WITH ALL AYES. A letter of resignation was received from Mary Miller, Chair of the Park and Recreation Commission. MOTION 02R-21-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO ACCEPT WITH REGRETS THE RESIGNATION OF MARY MILLER AS CHAIR OF THE PARK AND RECREATION COMMISSION. MOTION CARRIED WITH ALL AYES. It was noted that there were no minutes for January, since the Commission did not have a quorum present. Residents were reminded that the gym is reserved for the Morning Walkers and Talkers between the hours of 8:00 A.M. – 9:00 A.M. Monday thru Friday. AAA has cancelled their senior driving class for February 12<sup>th</sup>, however another class is scheduled for February 17<sup>th</sup> from 9:00 A.M. – 1:00 P.M. The ice

rink is open on Thursday's and Friday's from 4:00 to 8:00 P.M., on Saturday's from 1:00 to 9:00 P.M. and on Sunday's from 1:00 – 8:00 P.M. If the temperature falls below –10 degrees, or snowing so heavily that the attendant cannot keep the ice clear of snow, the rink will be closed. The rink will be open on Monday, February 16<sup>th</sup> for President's Day from 1:00 – 8:00 P.M. The next session of aerobics will start on Monday, February 23<sup>rd</sup> and approval to contract with Donna Keiffer for this six week session is requested. The cost of the contract is \$396.72. MOTION 02R-22-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO CONTRACT WITH DONNA KEIFFER TO PROVIDE AEROBIC INSTRUCTION FROM FEBRUARY 23<sup>RD</sup> THROUGH APRIL 1<sup>ST</sup> AT A COST OF \$396.72. MOTION CARRIED WITH ALL AYES. The Community Center will have special hours in effect for Monday, February 16<sup>th</sup> in observance of the President's Day Holiday. The Community Center will be open from 12:00 until 5:00 P.M. and the warming house hours will be 1:00 to 8:00 P.M. The Park Department Staff, along with the County Sentence to Serve Crew, completed the painting of the two Community Center meeting rooms on Wednesday and Thursday. New carpet will be installed on Monday, February 9<sup>th</sup>. Mayor Swanson thanked Park Director Jon Henke for the thorough job he did on completing the annual report for the Park.

6. UTILITIES – General Manager Dennis Leaser was unable to attend the meeting due to a family medical situation. A joint meeting of the Commission and Council will be held on Tuesday, February 24<sup>th</sup> at 9:00 A.M. at City Hall and General Manager Leaser will meet with each of the Council members individually prior to the meeting. The purpose of the meeting will be to review the 2003 audit and 2004 budget. Victory Sports has been added to local programming and is available on Channel 38. The application deadline for the position of Accountant has ended and telephone interviews are being conducted. An interview committee will interview the top two candidates. Paul Davis, who was recently hired to the position of Network Engineer, has assumed his new duties. The minutes of the January 27, 2004 Utilities Commission Meeting and the Cable TV Tracking Report were included for Council information.

7. PLANNING AND ZONING –

- a. The minutes of the Planning and Zoning Commission/Board of Adjustment Meeting and Public Hearing of December 19, 2003 were included for Council information.
- b. The Permit Summary for January 2004 was included for Council information. A total of 8 permits were issued in January for a valuation of \$23,900. The Crow Wing County Permit Summary for December, 2003 was also included for Council information.
- c. Staff Report and letter dated January 28, 2004 from WSN regarding City Engineer/City Surveyor – Community Development Director Ken Anderson

stated that currently the City engages WSN as engineer and surveyor and there are situations where they perform work for property owners which could result in a potential conflict of interest. A letter from Dave Reese and Jeff Miller of WSN indicates their willingness to continue the municipal work for the City and do understand that there could be occasions where a situation could be perceived as a concern. Even though their professional integrity and reputation would be at stake in engaging in a situation representing a conflict of interest, they would be willing to give up private work for property owners within the City limits of Crosslake. Councilmember Eggena commended WSN and stated that based on this decision by WSN, there is no reason to continue looking for an alternate engineering firm. It was noted that there are two outstanding situations (Jan Schwarz and Bill Reed) where agreements have been entered into between property owners and WSN that need to be honored from a contractual standpoint.

- d. Staff Report regarding Proposed Ordinance Amendment to Chapter 8, Political Signs – The proposed Ordinance Amendment recommended by the Planning and Zoning Commission changes language to be consistent with State Statute as it relates to political signs. Approval of the Ordinance Amendment was requested. MOTION 02R-23-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO APPROVE ORDINANCE AMENDMENT NO. 189 RELATING TO POLITICAL SIGNS AND TO PUBLISH A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES.
- e. Staff Report recommending Adoption of Ordinance Amendment pertaining to Limited Commercial Zoning District Provisions Repealing Wholesaling/Warehousing as a prohibited use – The Planning and Zoning Commission is recommending adoption of this amendment which would revise the maximum building size from 20,000 square feet to a maximum building size of 10,000 square feet. MOTION 02R-24-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE ORDINANCE AMENDMENT NO. 190 RELATING TO WHOLESALING/WAREHOUSING USES IN THE LIMITED COMMERCIAL DISTRICT AND TO PUBLISH A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES.
- f. Staff Report recommending appointment of Planning and Zoning Commissioners – The Commission has a vacancy as a result of Chairman Andy Anderson's second term expiring effective January 31, 2004. Also, since there are only three remaining alternate members, the Commission requested that advertisements be posted in the Echo requesting applications. As a result, Council approval is requested to appoint alternate member Olaf Olsen as a regular member of the Commission and Peter Abler and Roger Lynn as alternate members. MOTION 02R-25-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPOINT OLAF OLSEN AS A REGULAR MEMBER AND PETER ABLER AND ROGER LYNN AS ALTERNATE MEMBERS ON THE PLANNING AND

ZONING COMMISSION/BOARD OF ADJUSTMENT. MOTION CARRIED WITH ALL AYES.

It was noted that Nancy Koch was nominated chair of the Commission which she accepted for a one year term.

- g. Reconvene Public Hearing on Petition Request for Road Vacation Adjacent to Lot 32, Pineway Addition – MOTION 02R-26-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO RECESS THE REGULAR MEETING AND RE-OPEN THE PUBLIC HEARING FOR THE HICKS ROAD VACATION REQUEST WHICH WAS TABLED AT THE JANUARY 12, 2004 MEETING. MOTION CARRIED WITH ALL AYES. Community Development Director Ken Anderson stated that the hearing was tabled to seek more information on the dedication language and title work associated with this property in the Pineway Addition Plat. Staff has obtained a full copy of the Pineway Addition plat from Crow Wing County and forwarded to the City Attorney for review. The plat, which dates back to 1924, contains language which dedicates all roads to the public. Roads dedicated to the public in a plat are not considered a conveyance of the fee title but rather a public easement or right-of-way. Once the City determines to vacate the dedicated road, then the underlying fee title reverts to the original grantor or abutting landowners. Typically the original grantor no longer has an interest in the plat therefore the rule in Minnesota is that one half of the road, upon vacation, is conveyed to the abutting landowners. In the case of this property, it is the opinion of the City Attorney that the entire vacated roadway would revert to the Hicks. The road vacation request was reviewed by the Public Works Commission and Planning and Zoning Commission, who concur the property should be vacated and by the Park and Recreation Commission who feel the City should retain the property for future use. Discussion ensued regarding the intent of the applicant in regards to sub dividing the property, whether an easement should be requested and whether the City would ever have a public purpose for the road. Regarding whether the Legislature ever changes legislation to allow for the sale of these publicly dedicated properties, could present other problems in that a sale would require that the purchase be open to any member of the public who submits the highest bid. There was some discussion regarding this property being off lake and how many of these situations exist within the City. It is currently unknown how many publicly dedicated off lake properties there are within the City. After considerable discussion, MOTION 02R-27-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO ADJOURN THIS PUBLIC HEARING AT 10:00 P.M. MOTION CARRIED WITH ALL AYES.

MOTION 02R-28-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DARRELL SWANSON TO APPROVE RESOLUTION NO. 04-05 APPROVING ROAD VACATION FOR A PORTION OF ROAD RIGHT-OF-WAY ADJACENT TO LOT 32, THE PINEWAY ADDITION PROVIDED AN EASEMENT IS PROVIDED TO THE CITY

AND THAT THE RESOLUTION BE RECORDED WITH CROW WING COUNTY, THAT THE APPLICANT REIMBURSE ALL LEGAL EXPENSES AND RECORDING COSTS AS WELL AS ALL OTHER COSTS INCURRED INCLUDING THE COST OF OBTAINING THE EASEMENT FOR PUBLIC PURPOSE. MOTION CARRIED WITH ALL AYES.

8. ECONOMIC DEVELOPMENT AUTHORITY – The minutes of the January 7, 2004 meeting were included for Council information. City Administrator Swenson stated that the closing on the Rustica Furnishing's loan will take place on February 10<sup>th</sup>.
9. RECYCLING - Councilmember Phillips reported that 9.55 tons of recyclables were collected in January which is 25% less than in January of 2003. A letter from Clerk Roach to the Crow Wing County Solid Waste Department requested the City's Score Funding for 2004.
10. CHARTER SCHOOL – Councilmember Schultz reported that February is designated "I Love to Read" month and on Thursday a read-a-thon will be held and Ken Anderson and Eric Swanson will each be reading a book at the school. Two candidates were interviewed for the position of director and a decision is forthcoming.
11. LONG RANGE CAPITAL PLANNING – Due to lack of a quorum, there are no minutes for January.
12. PERSONNEL COMMITTEE – Nothing

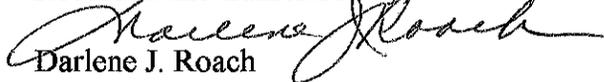
**H. OLD BUSINESS** – None

**I. NEW BUSINESS** – None

**J. PUBLIC FORUM** - None

**K. ADJOURN** – MOTION 02R-29-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO ADJOURN THIS REGULAR MEETING AT 10:06 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by

  
Darlene J. Roach  
Clerk/Treasurer

Shared/REGULAR COUNCIL MEETING – February 9, 2004

**BILLS FOR APPROVAL**  
**9-Feb-04**

<b>VENDORS</b>	<b>DEPT</b>	<b>AMOUNT</b>
Ace Hardware, rust remover, pail, lid	PW	16.24
Ace Hardware, nuts, drill bit	PW	21.12
Ace Hardware, pipe	PW	4.10
Ace Hardware, torch kit	PW	68.15
Ace Hardware, hammer	PW	4.04
Ace Hardware, primer spray, rod	PW	23.16
American Gourmet Catering, box lunches for seminar	P&Z	170.24
Ameripride, clean mats	PW	87.31
Ameripride, towels, dispenser	PW	98.79
Applied Concepts, slotted bracket	Police	65.00
B & B Products, new squad buildup	Police	3,975.70
B & B Products, install camera system	Police	250.00
Bobby Willard, reimburse uniform	Police	31.94
Cascade Computers, setup printer	Admin	85.00
Cascade Computers, install toms computer, troubleshoot printer	Admin	270.00
Cellular One, cell phone charges	Police	191.88
Chief Supply, battery, traffic cone	Fire	91.43
Council #65, union dues	ALL	142.11
Crosslake Bottle Gas, 1 tank	PW	60.00
Crosslake Bottle Gas, 1 tank	PW	60.00
Crosslake Bottle Gas, 2 tanks	PW	120.00
Crosslake Communications, phone, fax, internet, cable	ALL	1,257.69
Crosslake Polaris, forest helmet	PW	17.87
Crosslake Polaris, pole pruner	PW	594.20
Crosslake Rolloff Services, recycling	Gov't	2,450.00
Crow Wing Auto Body, remove stripes and logo	Police	190.00
Crow Wing County Recorder, filing fees	P&Z	500.00
Crow Wing County Treasurer, e911 addresses	Gov't	125.00
Crow Wing Power, electric service	ALL	4,908.84
Culligan, water and cooler rental	PW/Gov't	46.17
Deferred Comp	ALL	491.66
Delta Dental, dental insurance	ALL	1,086.45
Driver and Vehicle Services, renewal for city vehicles	ALL	116.00
Echo Publishing, gendreau road notice	PW	60.00
Echo Publishing, east shore blvd notice	PW	60.00
Echo Publishing, edgewater lane notice	PW	60.00
Echo Publishing, margaret lane notice	PW	60.00
Echo Publishing, ordinance 188	Gov't	37.50
Echo Publishing, resolution 04-01	Sewer	62.50
Echo Publishing, commission ad	P&Z	23.00
Echo Publishing, public hearing 2-20-04	P&Z	37.50
Echo Publishing, budget summary	Gov't	81.25
Emergency Medical Products, battery	Police	231.64
Fire Instruction & Rescue Education, car fire rental	Fire	200.00
Fortis, disability	ALL	236.42

Frontline Plus Fire & Rescue, uniform pants	Fire	405.00
George Hope, reimburse mileage for hcp training	P&Z	192.00
Greg Larson Sports, tricep extension rope	P&R	21.25
Heartland Tire Service, tires	Fire	214.96
Holiday Station, windshield wash	PW	1.05
Holiday Station, fuel	Fire	26.00
Honey Wagon, pump tanks	PW	95.00
Houston Ford, 3000 mile service	Police	208.39
Ken Anderson, reimburse seminar expenses	P&Z	54.48
Lakes Area Rental, pole saw, polaris	PW	191.70
Lakes Printing, newsletters	Gov't	134.62
Maggie Leach, reimburse travel expenses for class	P&Z	57.12
Mastercard, Dell, computer	P&R	720.00
Mastercard, Walmart, vcr/dvd, tape	P&R	177.35
Mastercard, Westgatemedia.com, microsoft office software	P&R	186.00
MCFOA, 2004 conference	Admin	200.00
Medica, health insurance	ALL	10,929.62
MN Benefits	Admin	100.92
MN Life, life insurance	ALL	255.60
MN Rural Water Association, 2004 conference	Sewer	100.00
MN State Fire Chiefs Assn., membership dues	Fire	170.00
Molly's Cleaning Service, january cleaning	Gov't	745.50
NCPERS-Life Insurance	ALL	128.00
North Ambulance, subsidy	Ambulance	1,103.00
Pequot Auto Parts, filter	PW	73.77
Pequot Auto Parts, couplers, plugs, hose	PW	255.77
PERA	ALL	N/A
Pitney Bowes, ink cartridges	Admin/P&Z	103.07
Reed's Market, sentence to serve	PW	80.96
Reed's Market, sentence to serve	PW	39.77
Robert Hartman, reimburse security camera for itox room	Police	139.09
Sandelin Law Office, legal fees	ALL	4,636.90
Simonson Lumber, lumber	PW	19.90
State and Federal Taxes	ALL	N/A
Streicher's, mag and baton holders	Police	63.74
The Office Shop, envelopes, pencils	Gov't	29.65
Tom Swenson, vehicle allowance	Admin	400.00
Uniforms Unlimited, uniform	Police	166.30
Uniforms Unlimited, uniform	Police	211.99
Uniforms Unlimited, uniform	Police	35.70
Viking Coca Cola, pop	Gov't	24.28
Viking Coca Cola, pop	P&R	61.40
Viking Electric, bulbs	P&R	15.66
MPCA, wastewater conference	Sewer	270.00
Widseth Smith Nolting, engineering fees	ALL	10,236.18
Xcel Energy, gas utilities	ALL	1,300.53
Ziegler Cat, loader payment	PW	8,966.73
Ziegler Cat, equipment sale	PW	20,235.00
Ziegler Car, cutting edges	PW	771.66

TOTAL		83,325.51
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CITY OF CROSSLAKE  
RESOLUTION NO. 04-02

RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a Resolution of the City Council adopted the 23rd day of December, 2003, fixed a date for a Council Hearing on the proposed improvement of East Shore Boulevard from the intersection of East Shore Road, north, to the end of the road, by constructing road and drainage improvements,

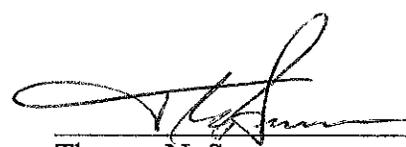
WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 28th day of January, 2004, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CROSSLAKE, MINNESOTA;

1. Such improvement is necessary, cost-effective, and feasible as detailed in the Feasibility Report.
2. Such improvement is hereby ordered as proposed in the Council Resolution adopted the 10th day of November, 2003.
3. Widseth Smith Nolting is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.

Adopted by the Council this 9th day of February, 2004.

  
\_\_\_\_\_  
Darrell E. Swanson  
Mayor

  
\_\_\_\_\_  
Thomas N. Swenson  
City Administrator

CITY OF CROSSLAKE  
RESOLUTION NO. 04-03

RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a Resolution of the City Council adopted the 23rd day of December, 2003, fixed a date for a Council Hearing on the proposed improvement of Margaret Lane from the intersection of C.S.A.H. 66, west and south, to the end of the cul-de-sac, by constructing road and drainage improvements,

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 28th day of January, 2004, at which all persons desiring to be heard were given an opportunity to be heard thereon,

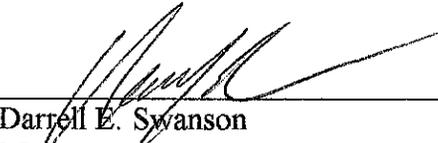
NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CROSSLAKE, MINNESOTA;

1. Such improvement is necessary, cost-effective, and feasible as detailed in the Feasibility Report.
2. Such improvement is hereby ordered as proposed in the Council Resolution adopted the 10th day of November, 2003.
3. Widseth Smith Nolting is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.

Adopted by the Council this 9th day of February, 2004.



Thomas N. Swenson  
City Administrator

  
\_\_\_\_\_  
Darrell E. Swanson  
Mayor

CITY OF CROSSLAKE  
RESOLUTION NO. 04-04

RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a Resolution of the City Council adopted the 23rd day of December, 2003, fixed a date for a Council Hearing on the proposed improvement of Gendreau Road from the intersection of C.S.A.H. 36, south, to the intersection of Shafer Road, by constructing road and drainage improvements,

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 28th day of January, 2004, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CROSSLAKE, MINNESOTA;

1. Such improvement is necessary, cost-effective, and feasible as detailed in the Feasibility Report.
2. Such improvement is hereby ordered as proposed in the Council Resolution adopted the 10th day of November, 2003.
3. Widseth Smith Nolting is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.

Adopted by the Council this 9th day of February, 2004.

  
\_\_\_\_\_  
Darrell E. Swanson  
Mayor  
\_\_\_\_\_  
Thomas N. Swenson  
City Administrator

*Original Resolution filed @ Crow Wing County Recorder's office*  
*Sharon Roach*  
*clerk - Treasurer*

RESOLUTION 04-05  
**CITY OF CROSSLAKE  
COUNTY OF CROW WING  
STATE OF MINNESOTA**

**RESOLUTION APPROVING ROAD VACATION PETITION**

WHEREAS, a petition requesting the vacation of a platted road right-of-way located within Lot 32, The Pineway was received by the City (the "Property"); and

WHEREAS, attached hereto as **Exhibit A** is a Certificate of Survey which identifies the location of the proposed area to be vacated within Lot 32, The Pineway (the "Roadway"); and

WHEREAS, the City Council conducted a public hearing on Monday, January 12, 2004 at 6:00 p.m. and on Monday February 9, 2004 at 6:00 p.m. at Crosslake City Hall to consider the Petition; and

WHEREAS, Crosslake City Code Chapter 6 outlines the procedure and requirements necessary for vacating roads and streets; and

WHEREAS, there was no opposition from any interested parties other than the Crosslake Park and Recreation Commission recommended denial of the Petition; and

WHEREAS, the City Council discussed the positive and negative aspects of the Petition with consideration for the current moratorium on road vacation petitions involving accesses to public waters which did not apply to this Petition; and

WHEREAS, the City Council considered all required elements of the City's road vacation requirements and state law; and

WHEREAS, the information presented to the City indicated the platted road was never opened or maintained by the City and the purpose for which it was laid out in the plat of The Pineway was useless as Bonnie Lakes Road currently serves as legal access to The Pineway plat and Applicant's property; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
CROSSLAKE, MINNESOTA:

1. All requirements for service of the Petition have been met.
2. It appears from the evidence presented to the City Council that the Road is useless for the purpose for which it was laid out in The Pineway plat and the Road as described below is hereby vacated:

#1 **Legal Description for that part of Bonnie Lakes Road to be vacated:**

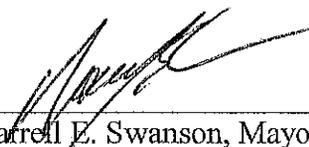
**That part of the roadway dedicated as a Public Road on the recorded plat of THE PINEWAY on file in the Crow Wing County Recorders Office lying westerly of the southerly extension of the most easterly line of Lots 29, 30, 31 and 32 extended to the south line of said plat.**

3. In consideration for said vacation the City hereby retains a public right-of-way easement for all public uses legally described as follows:

#2 **Legal description for Right-of-way Easement to be conveyed to the City:**

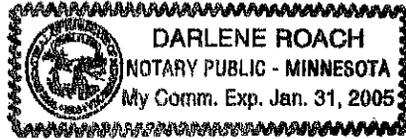
**An easement for all public purposes, including but not limited to public road right-of-way, drainage, trail, and utilities over, under and across that part of Government Lot 2, Section 24, Township 137 North, Range 27 West, Crow Wing County, Minnesota described as follows: Commencing at the northeast corner of said Government Lot 2; thence South 01 degrees 06 minutes 11 seconds East, assumed bearing, 50.00 feet along the east line of said Government Lot 2; thence South 84 degrees 32 minutes 04 seconds West 341.97 feet to the point of beginning of the easement to be described; thence continuing South 84 degrees 32 minutes 04 seconds West 63.74 feet; thence North 25 degrees 46 minutes 15 seconds East 58.31 feet to the north line of said Government Lot 2; thence North 84 degrees 32 minutes 04 seconds East 63.67 feet along said north line of Government Lot 2 to its intersection with the line that bears North 25 degrees 42 minutes 59 seconds East from the point of beginning; thence South 25 degrees 42 minutes 59 seconds West 58.24 feet to the point of beginning.**

Dated: 9/26/04

  
\_\_\_\_\_  
Darrell E. Swanson, Mayor

Subscribed and sworn to before me this  
24<sup>th</sup> day of April 2004.

Darlene Roach  
Notary Public

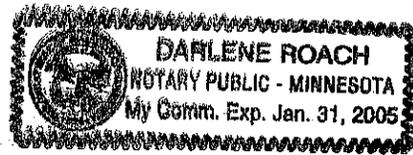


Dated: 4/24/04

Thomas N. Swenson  
Thomas N. Swenson, City Administrator

Subscribed and sworn to before me this  
24<sup>th</sup> day of April 2004.

Darlene Roach  
Notary Public



This Document Drafted By:

Paul J. Sandelin #188359  
SANDELIN LAW OFFICE  
30849 First Street  
P.O. Box 298  
Pequot Lakes, MN 56472

ACKNOWLEDGMENT

The undersigned Applicants, Charles Hicks and Denise Hicks, husband and wife, herein consent to and agree to the conveyance of the easement described herein.

Date: 4-14-04

Charles Hicks  
Charles Hicks

Subscribed and sworn to before me  
this 14th day of April, 2004.

Julie Nelson  
Notary Public



Date: 4-14-04

Denise Hicks  
Denise Hicks

Subscribed and sworn to before me  
this 14th day of April, 2004.

Julie Nelson  
Notary Public





