

REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, FEBRUARY 9, 1998
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, 1998. The following Councilmembers were present: Mayor Robert Scott, Donna Keiffer, Charles Miller and Richard Upton. Absent was Raymond Smyth. Also present was City Administrator Thomas Swenson, Deputy Clerk Darlene Roach, City Attorney Paul Sandelin, City Engineer Mark Hallan, City Surveyor Don Coulter, Reporter Tom Waller and Francis Fraser videotaping the meeting. There were approximately 14 individuals in the audience.

Mayor Scott called the meeting to order at 7:02 P.M. and welcomed everyone present and at home who would be viewing the meeting on Channel 12. He stated that there would be some changes in the program times for the City Council meetings due to the videotaping of the Pequot Lakes School Board meetings. Regular viewing times will be established for both meetings.

CRITICAL ISSUES – None

CONSENT CALENDAR – MOTION 02R-01-98 WAS MADE BY CHUCK MILLER AND SECONDED BY DONNA KEIFFER TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF JANUARY 12, 1998 REGULAR COUNCIL MEETING; (2) MINUTES OF JANUARY 16, 1998 SPECIAL COUNCIL MEETING; (3) TELEPHONE COMPANY FINANCIAL REPORT FOR DECEMBER, 1997; (4) CABLE COMPANY FINANCIAL REPORT FOR DECEMBER, 1997; (5) CITY MONTH END EXPENDITURE REPORT FOR DECEMBER, 1997; AND (6) CITY MONTH END REVENUE REPORT FOR DECEMBER, 1997. MOTION CARRIED UNANIMOUSLY.

MAYOR'S REPORT – None

CITY ADMINISTRATOR REPORT –

1. **Payment of bills - MOTION 02R-02-98 WAS MADE BY RICHARD UPTON AND SECONDED BY DONNA KEIFFER TO APPROVE ALL BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNTS OF \$22,054.44 AND \$36,566.95. MOTION CARRIED UNANIMOUSLY.**

2. 2/02/98 Memo from City Administrator regarding Big Pine Lake Rock Dam - City Administrator Thomas Swenson attended a meeting on January 30, 1998 at the Crow Wing County Highway Department regarding Big Pine Lake Rock Dam. Other attendees included representatives from the DNR, BWSR and residents and members of the Big Pine Lake and Trail Association. The purpose of the meeting was to look at emergency repairs to the dam as well as a long term solution for major repairs and

improvements on the Dam and surrounding lakeshore. MOTION 02R-03-98 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO SEND A LETTER OF SUPPORT IN SEEKING FUNDS FOR EMERGENCY REPAIRS TO THE DAM. MOTION CARRIED UNANIMOUSLY.

3. 2/03/98 Memo from Tom Swenson and Kevin Larson regarding establishing flexible reimbursement accounts for City and Telephone Company Employees – Under a flexible reimbursement account, employees would be allowed to have money deducted from their payroll, to pay medical expenses, dependent care expenses, eye care and etc. pre-tax. The amount would be determined by the employee up to a maximum amount established by the Council each year. The savings to the City would result in not having to pay the matching Social Security or Medicare tax on the amount deducted. MOTION 02R-04-98 WAS MADE BY RICHARD UPTON AND SECONDED BY CHUCK MILLER TO APPROVE ESTABLISHING A FLEXIBLE REIMBURSEMENT ACCOUNT FOR EMPLOYEES WITH THE ASSISTANCE OF EITHER THE CITY OR TELEPHONE COMPANY ACCOUNTING FIRM. MOTION CARRIED UNANIMOUSLY.
4. 2/02/98 Memo from City Administrator regarding commission application form – A revised one page application form was presented to the Council. MOTION 02R-05-98 WAS MADE BY RICHARD UPTON AND SECONDED BY DONNA KEIFFER TO APPROVE THE NEWLY REVISED COMMISSION APPLICATION FORM. MOTION CARRIED UNANIMOUSLY.
5. Sheila Haverkamp – BLADC Contract for 1998 Economic Development Services and BLADC two-month activity report - Sheila Haverkamp addressed the Council and requested the City's support in 1998. The one change in the contract from previous years is that attendance at city council meetings would be on an as-needed basis or by the request of the City Council. MOTION 02R-06-98 WAS MADE BY DONNA KEIFFER AND SECONDED BY RICHARD UPTON TO RENEW THE CONTRACT WITH BRAINERD LAKES AREA DEVELOPMENT CORPORATION (BLADC) FOR 1998 AT A COST OF \$1500.00. MOTION CARRIED UNANIMOUSLY.
6. Jack Stone request for non-intoxicating beer license. Jack Stone was present to request approval for a non-intoxicating beer license for his new pro shop located on County Road #3. MOTION 02R-07-98 WAS MADE BY CHUCK MILLER AND SECONDED BY DONNA KEIFFER TO APPROVE A NON-INTOXICATING 3.2 BEER LICENSE FOR CROSSLAKE GOLF. MOTION CARRIED UNANIMOUSLY.

The following items were included for Council information:

7. 1/14/98 letter from Northern National Bank regarding pledge update information.
8. 1/27/98 letter from NSP Gas Utility regarding general rate increase.
9. 1/09/98 letter from Roy Luukkonen regarding elections and caucuses.
10. 1/16/98 letter from Attorney General regarding drug-free and weapon free zone law.

11. Custodial services at the Telephone Company and City Hall complex – City Administrator Thomas Swenson and Telephone Company General Manager Kevin Larson requested authorization to pursue the possibility of hiring a part-time custodial employee who would do the work that is currently contracted to Servicemaster and a part-time cleaning person. The current cost for cleaning the two facilities is \$500 per month. MOTION – 02R-08-98 WAS MADE BY CHUCK MILLER AND SECONDED BY DONNA KEIFFER TO AUTHORIZE THOMAS SWENSON AND KEVIN LARSON TO LOOK INTO HIRING A PART-TIME CUSTODIAL EMPLOYEE AND TO REPORT BACK TO THE COUNCIL AT THE MARCH MEETING. MOTION CARRIED UNANIMOUSLY.

12. Gallaway's request for transfer of Seeker's Cedar Chest On & Off Sale Liquor Licenses - MOTION 02R-09-98 WAS MADE BY CHUCK MILLER AND SECONDED BY DONNA KEIFFER TO APPROVE THE TRANSFER OF ON SALE/OFF SALE AND SUNDAY LICENSES FROM SEEKER'S CEDAR CHEST TO GALLAWAYS LLC EFFECTIVE FEBRUARY 27, 1998 CONTINGENT UPON THE LICENSEE SUBMITTING A SALES AND USE TAX ID# AND APPROVAL BY MINNESOTA LIQUOR CONTROL DIVISION. MOTION CARRIED UNANIMOUSLY.

COMMISSION REPORTS –

1. **PLANNING AND ZONING** - The Planning and Zoning Commission requested approval on the final plat for "The Ponds". All conditions imposed on the preliminary plat approval have been met. MOTION 02R-10-98 WAS MADE BY RICHARD UPTON AND SECONDED BY CHUCK MILLER TO APPROVE THE FINAL PLAT AND COVENANTS FOR "THE PONDS". MOTION CARRIED UNANIMOUSLY.

Teri Hastings stated that Brian Weissner has submitted an application to District Court to vacate Miller Lane. The Planning and Zoning Commission reviewed the request and recommended that the City require a utility easement. MOTION 02R-11-98 WAS MADE BY RICHARD UPTON AND SECONDED BY CHUCK MILLER SUPPORTING THE APPLICATION FOR THE VACATING OF MILLER LANE WITH A STIPULATION THAT A UTILITY EASEMENT BE PROVIDED FOR AND AUTHORIZING THE CITY ATTORNEY'S WRITING A LETTER TO DISTRICT COURT NOTING THE STIPULATION. MOTION CARRIED UNANIMOUSLY.

2. **LONG RANGE PLANNING** – The Mayor reported that he had attended an E911 meeting recently and was informed that Crosslake will be one of the first cities to have addressing done. Each driveway will have a physical address and a GPS address. Teri Hastings commented that she has just completed a rough draft of an Address Ordinance dealing with E911 which she will review with Public Works and the Long Range Planning Commission.
3. **UTILITIES** – General Manager Kevin Larson reviewed highlights for January, 1998 for both the Telephone and Cable Companies.

MOTION 02R-12-98 WAS MADE BY CHUCK MILLER AND SECONDED BY DONNA KEIFFER TO APPROVE THE APPOINTMENT OF JUDY COTTEN TO THE UTILITIES COMMISSION. MOTION CARRIED UNANIMOUSLY.

Kevin Larson reported that he has confirmed that the Rural Utilities Service loan/grant application submitted for the Crosslake Family Clinic was received in Washington. He will continue to follow up on this application and report back to the Council.

A committee has been appointed to perform an annual review of commission policies.

The annual audit was performed during the week of January 19th by Olson Thielen and a meeting was tentatively scheduled for February 26th at 9:00 A.M. at City Hall to review the results of the audit. The Commission, Council and Tom Farm of Olson Thielen will attend the meeting.

The 1998 Crosslake Telephone and Cablevision Budget was presented. MOTION 02R-13-98 WAS MADE BY RICHARD UPTON AND SECONDED BY CHUCK MILLER TO APPROVE THE TELEPHONE AND CABLE COMPANY OPERATING BUDGETS FOR 1998. MOTION CARRIED WITH MAYOR SCOTT OPPOSED.

PARK AND RECREATION - Park and Recreation Director Rob Larson presented his 1997 year end report to the Council. When comparing revenues to expenses, the department ended the year with a surplus of \$49.00. The Council commended Rob Larson on his excellent report.

Due to the number of hours the Community Center is open, staffing at the Center remains a problem. Rob Larson recommended the hiring of a part-time staff person to work as a Building Assistant at the Community Center. MOTION 02R-14-98 WAS MADE BY DONNA KEIFFER AND SECONDED BY CHUCK MILLER FOR THE PARK AND RECREATION DEPARTMENT TO ADVERTISE FOR A PART-TIME PERSON. MOTION CARRIED UNANIMOUSLY.

Two sessions of morning aerobics are being provided. The Park and Recreation Department recommends contracting the services of Donna Keiffer to instruct Session A-9 which runs from January 5th to February 19th and Session A-10 which will run from March 2nd to April 16th. MOTION 02R-15-98 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO APPROVE RESOLUTIONS 98-04 AND 98-05 WHICH AUTHORIZE DONNA KEIFFER TO PROVIDE MORNING AEROBICS AT \$400 PER SESSION. MOTION CARRIED WITH DONNA KEIFFER ABSTAINING FROM THE VOTE.

Two sessions of evening aerobics are planned with Sharon Gilb as the instructor. Approval for these classes was requested. MOTION 02R-16-98 WAS MADE BY DONNA KEIFFER AND SECONDED BY RICHARD UPTON TO APPROVE CONTRACTING WITH SHARON GILB FOR TWO SESSIONS OF AEROBICS STARTING ON JANUARY 13TH THROUGH FEBRUARY 19TH AND MARCH 2ND THROUGH APRIL 16TH AT \$238 PER SESSION. MOTION CARRIED UNANIMOUSLY.

The Minnesota Recreation and Park Association is supporting a Youth Initiative Bill that would provide \$40 million to repair, replace or construct parks and recreation buildings throughout the State. The Park and Recreation Department recommended that the City join in this support by approving Resolution 98-02. MOTION 02R-17-98 WAS MADE BY RICHARD UPTON AND SECONDED BY DONNA KEIFFER TO APPROVE RESOLUTION 98-02 YOUTH INITIATIVE BILL. MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY – Councilmember Keiffer reported that the Police Department responded to 114 police calls in Crosslake and 22 in Mission Township in January. The Fire Department reported a total of 18 emergency medical calls and rescues and 1 fire. She also reported that the Public Safety Commission is working on the firearms issue. At the April meeting, a color-coded map will be presented showing where the Commission is proposing prohibiting shooting. The Public Safety Commission Meetings have been moved to the third Thursday of each month at 7:00 P.M. at City Hall.

The Fire Department requested approval to purchase a fire department related software program, including support, at a cost of \$2,955.00. This software will run on the computer purchased by the Fire Department from their own funds. MOTION 02R-18-98 WAS MADE BY CHUCK MILLER AND SECONDED BY DONNA KEIFFER TO PURCHASE THE SOFTWARE FOR THE FIRE DEPARTMENT AT A COST OF \$2955. MOTION CARRIED UNANIMOUSLY.

PUBLIC WORKS - City Administrator Thomas Swenson read paragraph #3 of a letter written to the City Council from Public Works Chairman Dean Swanson regarding the Commission's review of the pay-as-you-go method of financing the road program. It was not the recommendation of the Commission to support this type of program. MOTION 02R-19-98 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO APPROVE ORDINANCE 93, THIRD SERIES, AMENDING CHAPTER 3 OF THE CITY CODE SUBDIVISION REGULATIONS AS PRESENTED AT THE PUBLIC HEARING TO TAKE EFFECT UPON PUBLICATION. MOTION CARRIED UNANIMOUSLY.

MOTION 02R-20-98 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO APPROVE ORDINANCE 94, THIRD SERIES, CHAPTER 10 OF THE CITY CODE TO TAKE EFFECT UPON PUBLICATION. MOTION CARRIED UNANIMOUSLY.

Widseth Smith Nolting has submitted an additional application for the filling of the easternmost wetland in the area of the downtown road. Keith Pohl, Crow Wing Soil and Water District Officer presented two options in a letter dated February 3, 1998 which the Council could act on. One is to create additional wetland areas in the City to ensure no net loss. The second is to purchase wetland credits from a wetland bank. Since the total area of wetland impacted in this area is 0.21 acres, the cost to the City would be about \$255.00. MOTION 02R-21-98 WAS MADE BY RICHARD UPTON AND SECONDED BY CHUCK MILLER TO PURCHASE WETLAND CREDITS INSTEAD OF CREATING ADDITIONAL WETLANDS. MOTION CARRIED UNANIMOUSLY. Councilmember Upton asked if this then authorized the City to fill the wetland and was told by the City Engineer that the permit has been applied for so the City can proceed.

A letter was sent to Ron Wolney of the U.S. Army Corp of Engineers from Attorney Sandelin containing a draft easement deed for the location of Willwood Lane on the Corps of Engineers' property within the City. Once the final documents are received back from the Corps of Engineers, a copy will be sent to the Courneyea's.

Mark Hallan of Widseth Smith Nolting addressed the Council to inform them that he and Dave Reese had reviewed the issue of relocating Wilderness Trail Road at the curve between the wetlands along the Ruhl Boe property. They felt that if the road were to be relocated, a distance of 30' to the North would be desirable. This, however, would result in additional cost to the City since the right-of-way would have to be resurveyed and new legal descriptions developed, an existing overhead power line along the North side of the road would likely have to be relocated or buried, wetland permits and issues would have to be dealt with, around 3,000 cubic yards of granular material would be needed to fill the wetland for the road base and an extended construction period would be required. Ruhl Boe, who was present at the meeting, had agreed, in writing, to bear the cost for the

changes in the road since he owns property on both sides, however, would not concur to spending \$30,000 to move the road 30'. A letter received from Jim Skajewski, President of Wilderness Park Owner Association was read by City Administrator Thomas Swenson. The Association is not in support of the proposal to include a 6 foot wide bike and walking path at a cost of \$50,000 along Wilderness Trail Road. They did not, however, choose to comment on the 2 foot versus 4 foot gravel shoulders but to leave the decision up to the Public Works Commission and the City Engineers.

MOTION 02R-22-98 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO ACCEPT THE FEASIBILITY STUDY FOR WILDERNESS TRAIL ROAD PREPARED BY WIDSETH SMITH NOLTING. MOTION CARRIED UNANIMOUSLY.

MOTION 02R-23-98 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO APPROVE RESOLUTION 98-03 DEALING WITH THE IMPROVEMENT ON WILDERNESS PARK ROAD AT AN ESTIMATED TOTAL COST OF \$320,000, CHANGING "ABUTTING" TO "BENEFITING" PROPERTY IN ITEM #1 AND TO HOLD A PUBLIC HEARING ON MARCH 28, 1998 AT 1:00 P.M. MOTION CARRIED UNANIMOUSLY.

City Engineer Mark Hallan showed the Council a sample of an aerial photograph which he had obtained from Little Falls. There was some discussion as to the type of mapping available and what can be done with the map depending on the type of photograph taken. The Council previously approved pursuing quotations for an aerial map.

PERSONNEL – Nothing

RECYCLING - Councilmember Miller reported that 8.25 tons of recyclables were collected in January.

ECONOMIC DEVELOPMENT AUTHORITY – Nothing

OLD BUSINESS – Nothing

NEW BUSINESS – Roger Roy, owner of Channel Liquors, addressed the Council to ask if they would consider evaluating the re-issuance of the off sale licenses when an establishment sells.

PUBLIC FORUM – Tim Corby of Westwood Engineering introduced himself to the Council and stated that his firm was moving to Crosslake and would be offering engineering services.

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FEBRUARY 9, 1998

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MOTION 02R-24-98 WAS MADE BY RICHARD UPTON AND SECONDED BY
DONNA KEIFFER TO ADJOURN THIS REGULAR MEETING AT 9:52 P.M.
MOTION CARRIED UNANIMOUSLY.

Recorded and transcribed by:

A handwritten signature in cursive script, appearing to read "Darlene J. Roach".

Darlene J. Roach
Deputy Clerk

CITY OF CROSSLAKE

RESOLUTION NO. 98-02

Youth Initiative Bill

A resolution supporting the Youth Initiative Bill

WHEREAS, the youth of our State need and deserve safe and attractive recreation facilities

WHEREAS, local governments often do not have the financial resources to completely address the need

WHEREAS, a cooperative effort between the State and local governments would increase recreation opportunities across the State

NOW THEREFORE BE IT RESOLVED that:

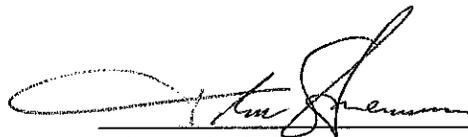
The Minnesota Legislature is encouraged to fund the \$40 million Youth Initiative Grant Program

Adopted this 9th day of February, 1998.

City of Crosslake



Mayor



City Administrator

ATTEST:



Deputy Clerk

CITY OF CROSSLAKE

RESOLUTION NO. 98-03

Resolution Receiving Report and Calling Hearing on Improvement

WHEREAS, pursuant to resolution of the Council adopted December 29, 1997, a report has been prepared by Widseth, Smith and Nolting with reference to the improvement of Wilderness Trail beginning at its southernmost point, being the intersection with Daggett Pine Road, northeast approximately 1.3 miles to a point of termination located at the entrance to the Wilderness Park Association property by Constructing Street and Drainage Improvements and this report was received by the Council on February 9, 1998, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

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

1. The council will consider the improvement of such street in accordance with the report and the assessment of benefiting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$320,000.
2. A public hearing shall be held on such proposed improvements on the 28th day of March, 1998, in the Council Chambers of the City Hall at 1:00 p.m. and the City Administrator shall give mailed and published notice of such hearing and improvement as required by law.

Adopted by the Council this 9th day of February, 1998.



Thomas N. Swenson
City Administrator



Robert Scott
Mayor

CITY OF CROSSLAKE

RESOLUTION NO. 98-04

WHEREAS, the City of Crosslake desires to enter into a contract with Donna Keiffer to provide aerobics instruction three times per week for a seven week period at a cost of \$400.

WHEREAS, the City Council of the City of Crosslake had determined that the contract price is as low as or lower than the price at which the aerobics instruction services could be obtained elsewhere.

BE IT RESOLVED by the City Council of the City of Crosslake, that the City agrees to contract with Donna Keiffer to provide aerobics instruction three times per week for a seven week period (January 5th - February 19th) at a cost of \$400.

Chuck Miller moved for the adoption of the foregoing resolution. Said resolution was duly seconded by Richard Upton and after full discussion thereof, and upon a vote being taken thereon, the following noted in favor thereof:

Chuck Miller
Richard Upton
Bob Scott

and the following voted against the same:

Donna Keiffer abstained

WHEREUPON said resolution was declared to be passed and adopted by the City Council this 9th day of February, 1998.



Mayor

Attest:



Deputy Clerk

AFFIDAVIT

STATE OF MINNESOTA
COUNTY OF CROW WING

)
)ss.
)

The undersigned, Donna Keiffer, being first duly sworn upon oath state as follows:

1. My name is Donna Keiffer, and
2. I am a City Council Member for the City of Crosslake, and
3. I would like to provide instruction for morning aerobics classes for the Parks & Recreation Department of the City of Crosslake. There are to be three sessions per week for a seven-week period, resulting in 21 sessions, and
4. The price for the services is \$400 and
5. The reasonable value of these services is \$400, and
6. That to the best of my knowledge and belief, the contract price is as low as, or lower than, the price at which the aerobics instruction could be obtained from other sources.

Further affiant sayeth naught, save that this Affidavit is made for the purposes of identification of a fair and reasonable fee for aerobic instruction.

Donna Keiffer
Donna Keiffer

Subscribed and sworn to before me
this 9th day of February, 1997.

DRAFTED BY:
Steven R. Qualley, Attorney #240370
Gammello & Sandelin, P.A.
308 First Street, P.O. Box 298
Pequot Lakes, MN 56472

Darlene Roach
Notary Public, Crow County, MN
My Commission Expires:



CITY OF CROSSLAKE

RESOLUTION NO. 98-05

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BE IT RESOLVED by the City Council of the City of Crosslake, that the City agrees to contract with Donna Keiffer to provide aerobics instruction three times per week for a seven week period (March 2nd - April 16th) at a cost of \$400.

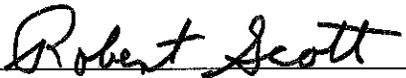
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Chuck Miller
Richard Upton
Bob Scott

and the following voted against the same:

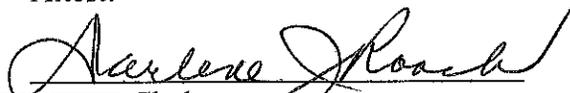
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Mayor

Attest:



Deputy Clerk

AFFIDAVIT

STATE OF MINNESOTA

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COUNTY OF CROW WING

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Donna Keiffer

Donna Keiffer

Subscribed and sworn to before me
this 9th day of February, 1997.

DRAFTED BY:
Steven R. Qualley, Attorney #240370
Gammello & Sandelin, P.A.
308 First Street, P.O. Box 298
Pequot Lakes, MN 56472

Marlene Roach

Notary Public, Crow County, MN
My Commission Expires:

