

REGULAR COUNCIL MEETING  
CITY OF CROSSLAKE  
MONDAY, FEBRUARY 13, 2012  
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, February 13, 2012. The following Council Members were present: Mayor Darrell Schneider, Steve Roe, John Moengen, Dean Swanson and Rusty Taubert. Also present were City Administrator Tom Swenson, Clerk/Treasurer Jenny Max, Community Development Director Ken Anderson, Public Works Director Ted Strand, Police Chief Bob Hartman, Park and Recreation Director Jon Henke, General Manager Paul Hoge, Fire Chief Chip Lohmiller, City Attorney Mike Couri, City Engineer Dave Reese, Northland Press Reporter Paul Boblett and Echo Publishing Reporter Kate Perkins. There were approximately forty people in the audience.

**A. CALL TO ORDER** – Mayor Schneider called the Regular Council Meeting to order at 7:00 P.M. MOTION 02R-01-12 WAS MADE BY RUSTY TAUBERT AND SECONDED BY JOHN MOENGEN TO ACCEPT THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

**B. CRITICAL ISSUES –**

1. Melissa Barrick of the Crow Wing Soil and Water Conservation District was present and gave an update of some recent projects happening in the City of Crosslake. Ms. Barrick noted seven shore line buffers, two rain gardens and the sale of 20 compost bins were among many of the success stories within the City. The sale of compost bins in Crow Wing County in 2011 helped to reduce approximately 33 tons of waste from the landfill. Ms. Barrick thanked Ken Anderson and the Planning and Zoning Staff for all their work over the past few years. Ms. Barrick also noted there are grants available for the Rush, Cross and Big Trout Lake areas as well. The Council thanked Ms. Barrick for her time.
2. Fire Chief Lohmiller recognized four Crosslake fire fighters who retired in 2011. Mike Myogeto served for 20 years, Tony Fraser served for 28 years, Buck Garin served for 30 years and Chief Keith Anderson served for 31 years, ten of them as Chief. Councilmember Moengen presented each of the retirees with a plaque in recognition of their years of service. Chief Lohmiller stated that the retirees were very dedicated and their service was appreciated. Mayor Schneider thanked the retired firefighters for their many years of service.
3. Mayor Schneider recognized four Commissioners for their service to the City. Armond Gease served as a member of the Utility Advisory Board for three years, Earl Angell served as a member of the Parks and Recreation/Library Commission for six years, Nancy Addington served as a member of the Planning and Zoning Commission for six years, and Karen Christofferson served as a member of the Economic Development Authority for twelve years. Mayor Schneider thanked each commissioner for their dedication and service and presented each of them with a certificate. Karen Christofferson was not present.

**C. CONSENT CALENDAR – MOTION 02R-02-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR: (1.) REGULAR COUNCIL MEETING MINUTES OF JANUARY 9, 2012; (2.) SPECIAL COUNCIL MEETING MINUTES OF JANUARY 30, 2012; (3.) PUBLIC INFORMATION MEETING MINUTES OF JANUARY 30, 2012; (4.) CROSSLAKE COMMUNICATIONS BALANCE SHEET AND INCOME STATEMENT/DETAIL OF RESERVE BALANCES DATED DECEMBER 31, 2011; (5.) CITY MONTH END REVENUE REPORT DATED DECEMBER 2011; (6.) CITY MONTH END EXPENDITURE REPORT DATED DECEMBER 2011; (7.) PLEDGED COLLATERAL REPORT DATED 2/7/12 FROM JENNIFER MAX AND PLEDGE UPDATES. MOTION CARRIED WITH ALL AYES.**

**D. MAYOR'S REPORT –**

1. Mayor Schneider provided a brief City update noting the recodification is nearing completion, the City recently completed a bond refinance which will save the City approximately \$380,000, the EDA is looking at various projects and the local fireworks committee is still working hard to raise the money needed to have the 4<sup>th</sup> of July fireworks this summer.

**E. PUBLIC FORUM – None.**

**F. CITY ADMINISTRATOR'S REPORT –**

1. City Bills for Approval – MOTION 02R-03-12 WAS MADE BY DEAN SWANSON AND SECONDED BY RUSTY TAUBERT TO APPROVE THE BILLS FOR PAYMENT FOR FEBRUARY AS SUBMITTED IN THE AMOUNTS OF \$72,998.19 AND \$31,259.06. MOTION CARRIED WITH ALL AYES.
2. A memo dated February 13, 2012 from Jenny Max regarding a notice from Crow Wing County Regarding Assessment and Classification of Property for the Local Board of Review Meeting was included in the packet for Council review. MOTION 02R-04-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO SCHEDULE THE BOARD OF APPEAL AND EQUALIZATION OF THE CITY OF CROSSLAKE ON FRIDAY, APRIL 27, 2012 AT 10:00 A.M. FOR THE PURPOSE OF DETERMINING WHETHER TAXABLE PROPERTY IN THE CITY HAS BEEN PROPERLY VALUED AND CLASSIFIED BY THE ASSESSOR. MOTION CARRIED WITH ALL AYES.
3. A memo dated February 6, 2012 from the City Administrator regarding the 2012-2013 Fire Service Contracts for the City of Manhattan Beach and Fairfield Township was included in the packet for Council review. Mr. Swenson noted the cost of the contract is based on a percent of tax capacity for that portion of the City or Township covered by Crosslake. In addition, for each fire call responded to by the Crosslake Fire Department, a charge of \$350.00 for the first hour and \$300.00 for each additional hour is billed to the City or Township. MOTION 02R-05-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO APPROVE THE 2012-2013 FIRE SERVICE CONTRACTS FOR THE

CITY OF MANHATTAN BEACH AND FAIRFIELD TOWNSHIP AS PRESENTED. MOTION CARRIED WITH ALL AYES.

4. An application for Group Transient Merchant Park Permit for the Brainerd Lakes Chamber was included in the packet for Council review. The Chamber is requesting a Group Transient Merchant Permit for the following dates in 2012: St. Patrick's Day Parade on March 17<sup>th</sup> and Crosslake Days on September 28-29<sup>th</sup>. MOTION 02R-06-12 WAS MADE BY STEVE ROE AND SECONDED BY RUSTY TAUBERT TO APPROVE THE GROUP TRANSIENT MERCHANT PARK PERMIT FOR THE BRAINERD LAKES CHAMBER FOR 2012. MOTION CARRIED WITH ALL AYES.
5. A memo dated February 13, 2012 from Jenny Max regarding a Group Transient Merchant Park Permit was included in the packet for Council review. City Administrator Swenson stated that Mission of the Cross Lutheran Church requested approval for a Group Transient Merchant Permit to hold a craft and flea market on the Church property on May 26<sup>th</sup>, July 7<sup>th</sup> and September 1<sup>st</sup>, 2012. The Church's annual garage sale will be held on August 3<sup>rd</sup> and 4<sup>th</sup>. The permit fee of \$50 has been paid to the City. MOTION 02R-07-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE THE TRANSIENT MERCHANT PARK PERMIT FOR MISSION OF THE CROSS LUTHERAN CHURCH FOR 2012. MOTION CARRIED WITH ALL AYES.
6. A donation request from Pequot Lakes High School Grad Blast 2012 was included in the packet for Council review. City Administrator Swenson noted the City budget includes \$100 for this program.
7. A donation request from Pine River-Backus High School Grad Blast 2012 was included in the packet for Council review. City Administrator Swenson noted the City budget also includes \$100 for this program. MOTION 02R-08-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO APPROVE A DONATION OF \$100 TO EACH OF THE PEQUOT LAKES AND PINE RIVER-BACKUS GRAD BLAST 2012 PROGRAMS. MOTION CARRIED WITH ALL AYES.
8. A memo dated February 13, 2012 from Jenny Max regarding Landscape Contractors/Excavators Licenses was included in the packet for Council review. MOTION 02R-09-12 WAS MADE BY STEVE ROE AND SECONDED BY RUSTY TAUBERT TO APPROVE ISSUANCE OF A LANDSCAPE CONTRACTORS/EXCAVATORS LICENSE TO ABRA LANDSCAPING. MOTION CARRIED WITH ALL AYES.
9. A notice of regular scheduled monthly meetings of the various City Boards, Commissions and the EDA was included in the packet for Council information.
10. A memo dated February 13, 2012 from Jenny Max regarding updating the City website was included in the packet for Council review. MOTION 02R-10-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO APPROVE CONTRACTING WITH GOV OFFICE TO REBUILD THE CITY OF CROSSLAKE WEBSITE AT AN APPROXIMATE COST OF \$3,200. MOTION CARRIED WITH ALL AYES.

Councilmember Roe stated that the Board of Review meeting scheduled for April 27<sup>th</sup> is the same date as the Planning and Zoning Commission monthly meeting date. MOTION 02R-11-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO RESCHEDULE THE BOARD OF APPEAL AND EQUALIZATION OF THE CITY OF CROSSLAKE TO FRIDAY, APRIL 20, 2012 AT 10:00 A.M. FOR THE PURPOSE OF DETERMINING WHETHER TAXABLE PROPERTY IN THE CITY HAS BEEN PROPERLY VALUED AND CLASSIFIED BY THE ASSESSOR. Administrator Swenson noted he will confirm this date works with the County. MOTION CARRIED WITH ALL AYES.

The Council received a request by the City Clerk to set a special meeting date to review proposed changes to the City Code in conjunction with the recodification. MOTION 02R-12-12 WAS MADE BY STEVE ROE AND SECONDED BY JOHN MOENGEN TO SET A SPECIAL MEETING DATE OF THURSDAY, MARCH 1<sup>ST</sup> AT 10:30 A.M. TO REVIEW THE PROPOSED CITY CODE CHANGES IN CONJUNCTION WITH THE RECODIFICATION. MOTION CARRIED WITH ALL AYES.

#### **H. COMMISSION/DEPARTMENT REPORTS –**

##### **1. PUBLIC SAFETY –**

- a. Chief Hartman reported 103 Police calls in Crosslake for January.
- b. Chief Hartman reported 46 Police calls in Mission Township for January.
- c. A memo dated 2/13/12 from Chief Hartman regarding hiring a part-time officer was included in the packet for Council review. Chief Hartman noted the addition of two part-time officers will not affect the current budget as the positions are not scheduled and only filled on an as-needed basis. MOTION 02R-13-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO AUTHORIZE CHIEF HARTMAN TO HIRE TWO PART-TIME POLICE OFFICERS. MOTION CARRIED WITH ALL AYES.
- d. A memo dated February 13, 2012 from Chief Hartman regarding the 2012-2013 Law Enforcement Contract and Joint Powers Agreement Between the City of Crosslake and Mission Township was included in the packet for Council review. Mr. Swenson noted the contract price will remain the same as 2011 at \$48,000. MOTION 02R-14-12 WAS MADE BY DEAN SWANSON AND SECONDED BY RUSTY TAUBERT TO APPROVE THE 2012-2013 LAW ENFORCEMENT CONTRACT AND JOINT POWERS AGREEMENT BETWEEN THE CITY OF CROSSLAKE AND MISSION TOWNSHIP AT A PRICE OF \$48,000. MOTION CARRIED WITH ALL AYES.
- e. A memo dated 2/13/12 from Chief Hartman regarding adoption of a social host ordinance was included in the packet for Council review. Chief Hartman noted that while attending a Crow Wing County Police Chief's meeting the idea of incorporating a county-wide social host ordinance was discussed. Most of the law enforcement jurisdictions within Crow Wing County have either adopted this ordinance or are in the process of adopting it. A violation

would be considered a misdemeanor and the Crow Wing County Attorney's Office would be in charge of prosecuting the violations as well. Chief Hartman noted adding this ordinance would give law enforcement a means to hold adults responsible for allowing minors to consume alcohol. The ordinance does not cover minors who are at home with their own parents but rather covers minors in another person's home who are engaged in underage drinking and the adults are aware that the consumption that is taking place. Mayor Schneider asked how the City can get this information out to the public and Attorney Couri noted oftentimes schools are very willing partners to help publicize this type of information. Councilmember Moengen agreed, noting the residents need to be aware of this change in the City's ordinance. Councilmember Roe stated it would be beneficial to get input from Crow Wing County Attorney Don Ryan and also Sheriff Todd Dahl on this issue. MOTION 02R-15-12 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO TABLE THE ADOPTION OF A SOCIAL HOST ORDINANCE AND FOR CHIEF HARTMAN TO PRESENT THE COUNCIL WITH A PLAN FOR PROMOTING THE NEW REGULATIONS AT THE MARCH COUNCIL MEETING. MOTION CARRIED WITH ALL AYES.

Chief Hartman requested approval to sell the squad car that was recently replaced with the new Dodge Charger. Central Lakes College has a need in their law enforcement program to use squad cars as part of their training. MOTION 02R-16-12 WAS MADE BY STEVE ROE AND SECONDED BY RUSTY TAUBERT TO AUTHORIZE CITY STAFF TO SELL THE 2007 FORD CROWN VICTORIA TO CENTRAL LAKES COLLEGE FOR \$500. MOTION CARRIED WITH ALL AYES.

- f. The January 2012 North Ambulance Run Report was included in the packet for Council information.
- g. The Crosslake Fire Department responded to 23 calls in January. Of those, 16 were medical calls, 1 was a search for a lost person, 5 were building fires and 1 was a smoke detector.
- h. The Council held a discussion regarding a scheduled house burn training exercise and a letter dated January 23, 2012 from Jerry and Lenora Pritchett and Robert and Mary Kvam in opposition of the training burn. Fire Chief Lohmiller stated the live burn is a great opportunity for the fire department to get hands-on training at all levels. Dale Mashuga is owner of FIRE, Inc. and said that he performs 30-60 burns per year and has never had a problem or a claim resulting from damage during a burn. Mr. Mashuga explained to the Council that a house burn is done from the inside out and that the structure basically collapses inside of itself throughout the process. There is very little risk to the neighboring homes and vegetation. Councilmember Roe noted he has been a part of two burns in the past and the one experience he had in Crosslake was excellent. The Council questioned the City's insurance for having a burn and Attorney Couri noted the City is covered under the League's policy at \$1.5 million per occurrence. Mr. Mashuga also noted he

has a \$3 million policy for his company and has never had any claims. It was the consensus of the Council to allow the burn to continue as scheduled.

- i. A memo dated February 13, 2012 from Chief Lohmiller regarding a donation was included in the packet for Council review. MOTION 02R-17-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO ACCEPT A DONATION FROM JACK GIBSON FOR \$50.00 AND FROM RICHARD AND WENDY MILLS FOR \$100.00 FOR THE FIRE DEPARTMENT. MOTION CARRIED WITH ALL AYES.
- j. A memo dated February 13, 2012 from Chief Lohmiller regarding a donation was included in the packet for Council review. MOTION 02R-18-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO ACCEPT A DONATION OF A FIRE PROOF CABINET FROM THE CROSSLAKE FIREFIGHTERS' RELIEF ASSOCIATION WITH A VAULE OF \$780.48. MOTION CARRIED WITH ALL AYES.

2. PARK AND RECREATION/LIBRARY –

- a. The Crosslake Park/Library Commission Meeting Minutes of November 16, 2011 were included in the packet for Council information.
- b. Park Director Jon Henke reported that the Community Center offers aerobics on Mondays, Tuesdays and Thursdays at 9:00 A.M. There is a Latin dance class offered on Tuesday evenings from 5:00 – 6:00 P.M. From March 1<sup>st</sup> through the 7<sup>th</sup> the Library is featuring an opportunity to return any overdue materials free of charge. Just bring in those overdue materials and the Library staff will waive any fees that are associated with the returned books. The Library extends a thank you to all of the patrons that made charitable donations on behalf of the Crosslake Area Library in 2011. Minnesota author, William Kent Krueger, is a popular mystery writer who is well received wherever he goes. Come meet William Kent Krueger and learn more about this interesting author on February 21<sup>st</sup> at 2:00 P.M. Jess Lourey, a Minnesota mystery author, will discuss writing mysteries on March 6<sup>th</sup> at 2:00 P.M. Lourey is the author of the Lefty-nominated Murder-by-Month mysteries set in Battle Lake, MN. The second presentation of March will be put on by the MN History Players on March 22<sup>nd</sup> at 2:00 P.M. These two programs are made possible by funding from the State of Minnesota Legacy Amendment, Arts and Cultural Heritage Fund. The Library would like to thank the Knights of Columbus for their donation of \$200. MOTION 02R-19-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO ACCEPT A DONATION FROM THE KNIGHTS OF COLUMBUS FOR \$200. MOTION CARRIED WITH ALL AYES. Senior meals take place at the Community Center Monday through Friday at 12:30 A.M. Interested participants must call by 4:00 P.M. the day before to make a reservation. Meals on Wheels are also available for those residents who are home bound. The Community Center offers an array of fitness equipment and is open seven days a week. A certified personal trainer is available to walk you through all of the different equipment free of charge when you sign up for a membership. The March Chautauqua will feature what happens after someone calls 911. Kevin Lee of North Memorial Ambulance, Officer Eric Swanson and Chief

Lohmiller will discuss the anatomy of a 911 call and their respective responses to it. For a more complete understanding of your community emergency management system, come to the March Chautauqua on Wednesday, March 14<sup>th</sup> from 1:30 – 3:30 P.M. Attendance for the Community for January was 5,786 and for the Library was 1,905. AAA is sponsoring a senior driving four-hour refresher class on February 16<sup>th</sup> and March 22<sup>nd</sup> from 9:00 – 1:00 P.M. The Community Center is open for walking throughout the day; however, many basketball groups are using the facility after school. Please call ahead to make sure the gym is available. Volleyball league meets Wednesday evenings from 6:15 – 8:45 P.M. Day passes and memberships are available. The Community Center hosted the opening ceremonies of the Winterfest celebration on Friday, February 3<sup>rd</sup>. The night featured skating, wagon rides, dog sled rides, a bonfire and the famous snow mountain. Approximately 200-300 people attended the festivities. As of February 7<sup>th</sup> the PAL Foundation fireworks fundraising campaign totaled \$1,537. Mr. Henke noted donations to the PAL Foundation are tax deductible and can be specifically designated to go towards the fireworks. The PAL Foundation donated \$324.00 to cover the expenses for the Bridge program for the second half of 2011. MOTION 02R-20-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO ACCEPT A DONATION FROM THE PAL FOUNDATION FOR \$324.00 FOR THE BRIDGE PROGRAM. MOTION CARRIED WITH ALL AYES. With the warmer winter this year, the Minnesota Parks Association released a survey that showed almost all outdoor skating rinks across the state have been closed. The Community Center has one of the only outdoor rinks that are still open. Come check out the rink that is located behind the softball field. There will soon be a switch that will allow the public to turn on the lights after dark.

- c. A memo dated February 8, 2012 from Jon Henke regarding the Silver Sneakers Program was included in the packet for Council review. Mr. Henke noted the Community Center has been working to attain the Silver Sneakers Program since 2009. A few weeks ago the Community Center received an invitation to offer this exciting program. The award-winning SilverSneakers Fitness Program is the nation's leading fully-funded Medicare exercise program for older adults. There are currently more than 1 million members across the country participating in SilverSneakers. There is no up-front cost to the member, and the Community Center will be reimbursed \$3 per visit per participant, or a minimum of \$250 per month. The program will also provide some equipment for the participants to use and requires the Community Center to offer a senior exercise class two times per week. Mr. Henke noted this is a great program but will only be offered if there is a good response from the public. There are currently over 300 eligible participants in the local area. Attorney Couri noted only one suggested change to the contract language in the Confidentially section that would state no data will be turned over the Healthways that is classified as private or confidential by Minnesota Statutes. Following discussion, MOTION 02R-21-12 WAS MADE BY STEVE ROE AND SECONDED BY RUSTY TAUBERT TO BEGIN THE

SILVERSNEAKERS PROGRAM, TO DIRECT THE MAYOR AND CLERK TO SIGN THE HEALTHWAYS PROVIDER AGREEMENT AND TO INCORPORATE THE NEW CONTRACT LANGUAGE AS PRESENTED. MOTION CARRIED WITH ALL AYES.

- d. A letter dated January 31, 2012 from James Gammello regarding Manhattan Boulevard was included in the packet for Council information.
- e. A memo dated February 2, 2012 from Attorney Couri regarding Manhattan Beach 2<sup>nd</sup> Addition Lake Shore/Manhattan Drive Encroachments was included in the packet for Council review. Attorney Couri noted that while performing a routine inspection, Staff noted a guest cabin and wellhouse that appeared to have been placed within the right of way of Manhattan Drive. Although the pavement of Manhattan Drive ends before it gets to the lakeshore, the Manhattan Beach Second Addition plat shows the right of way extending to the lake. To clarify whether or not the guest cabin in question was in the right of way, the City commissioned a survey of the Manhattan Drive right of way. Manhattan Beach Second Addition was platted in 1927. On the plat, the lots and Manhattan Drive (what is now known as "Manhattan Drive" shows up on the original plat as "Manhattan Boulevard") abut what appears to be the lake shore. However, when the survey of Manhattan Drive was completed, the actual lake shore was found to be approximately 90 feet north of what appears to be the lakeshore as shown on the plat, meaning that there is approximately 90 feet more land between what is shown as the lakeshore line on the 1927 plat and the current ordinary high water line. The survey shows a corner of the main cabin, the stairs, and the wellhouse located on the platted right of way of Manhattan Drive. The survey shows the guest cabin located on the 90 feet of land that would be Manhattan Drive if the current right of way lines were continued until they reached the lake. Attorney Couri noted he has not been able to figure out why the current shore line does not match the shore line shown on the plat. Historical records indicate that the water levels are not markedly different from 1927 to today, nor is anyone aware of portions of the lake being filled. It could have been an error on the original plat, or, it is possible that the additional land was gained by accretion. While difficult to accurately interpret due to poor image quality, aerial photos from 1939 appear to match fairly well with the location of today's shoreline. Attorney Couri noted that since the property in question is torrens property, a property owner cannot lose the right to the property by adverse possession. In addition, a property owner cannot obtain lakeshore if their property is not shown as having lakeshore on the plat. The survey completed by Stonemark shows a portion of the main house on lot 6 in addition to the well and stairs as being in the right of way. Since it would be near impossible to remove a portion of a house, the City could either vacate that portion of the right of way or choose to license that portion of the right of way to the property owner. The guest cabin is the bigger problem in that the guest cabin currently resides in the 90 feet of land that currently no one knows who technically owns. Attorney Couri reviewed several options that previous Courts have used in divvying up lakeshore. Even if the City were to vacate the right of way, half of the property would probably go to lot 1 and the other

half to lot 5. Since the plat does not show any lakeshore for lot 6 there would be no reason to divide any lakeshore to that property owner. Councilmember Moengen asked what the County shows as land value for lot 6 and Attorney Couri noted the land value for lot 6 is approximately one tenth the amount of lots 4 and 5 each. Councilmember Moengen stated that it would appear obvious that the owner of lot 6 clearly does not have lakeshore property and that is evidenced by the lack of taxes being paid. Attorney Couri suggested an option for the Council to consider would be to have staff contact the property owners of lots 4, 5, and 6 and see if any agreement can be reached regarding the lakeshore. The memo received from Attorney Jim Gammello indicated that the property owner of lot 6 would like to see no action taken by the Council and to leave the situation as it is. Administrator Swenson noted it is good for the interior lots on Manhattan Point to be able to have access to the lake and that Parks Director Henke has dealt with other property owners in the past regarding removing personal property located within the City's right of way. Councilmember Swenson noted he would like to see the City take some action which could possibly include vacating the area of the right of way where the corner of the house is located but also requiring the cabin be moved. Following discussion, MOTION 02R-22-12 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO DIRECT CITY STAFF TO MEET WITH THE PROPERTY OWNERS OF LOTS 1, 4, 5 AND 6 AND DETERMINE IF AN AGREEMENT CAN BE REACHED AS TO EXTENDED LOT LINES AND LOCATION/RELOCATION OF STRUCTURES. MOTION CARRIED WITH ALL AYES.

3. PLANNING AND ZONING –

- a. The Planning and Zoning Commission/Board of Adjustment Regular Meeting Minutes and Public Hearing of December 16, 2011 were included in the packet for Council information.
- b. The Planning and Zoning Commission/Board of Adjustment Special Meeting Minutes and Public Hearing of January 3, 2012 were included in the packet for Council information
- c. The January 2012 Permit Summary was included in the packet for Council information. The year-to-date valuation for 2012 is \$2,560, which is down from the same period in 2011.
- d. A notice of a Planning and Zoning Commission Special Meeting on February 16, 2012 was included in the packet for Council information.
- e. A memo dated February 13, 2012 from Ken Anderson regarding setting a public hearing for Appeal 2012-001 for John and Mary Lally, appealing the Planning and Zoning Commission denial of Variance 2011-020 was included in the packet for Council review. MOTION 02R-23-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO SCHEDULE THE PUBLIC HEARING FOR APPEAL 2012-001 FOR JOHN AND MARY LALLY FOR MONDAY, MARCH 5<sup>TH</sup> AT 2:00 P.M. MOTION CARRIED WITH ALL AYES.
- f. A memo dated February 13, 2012 from the Planning and Zoning Commission regarding a recommendation to approve Contract Addendum #2 with Pro

West & Associates was included in the packet for Council review. Mr. Anderson noted an addendum to the Contract with Pro West would provide the permit application software with additional functionality and extend the completion date to April 30, 2012. MOTION 02R-24-12 WAS MADE BY DEAN SWANSON AND SECONDED BY RUSTY TAUBERT TO APPROVE ADDENDUM #2 WITH PRO WEST & ASSOCIATES AS PRESENTED. MOTION CARRIED WITH ALL AYES.

- g. A memo dated February 13, 2012 from the Planning and Zoning Commission regarding a recommendation to approve Ordinance Amendment 2011-002 for Interim Uses was included in the packet for Council review. Mr. Anderson stated that the Planning and Zoning Commission has initiated an ordinance amendment to create interim uses within the City of Crosslake. Interim uses are much like conditional use permits in terms of the process followed to allow certain specified activities as an "interim use." However, interim uses allow more control over land uses in that they "sunset" at a specified period of time or a specified event. Conditional uses, on the other hand, run with the land in perpetuity. Councilmember Moengen questioned what the benefit of an interim use is to the public at large, and Attorney Couri noted that an interim use allows the City to better govern and gives the City the chance to make adjustments at the end of the interim use. A conditional use permit only expires if the conditions of the permit are violated. Following discussion, MOTION 02R-25-12 WAS MADE BY DEAN SWANSON AND SECONDED BY RUSTY TAUBERT TO APPROVE ORDINANCE AMENDMENT NO. 303 AMENDING CHAPTER 8 TO ESTABLISH INTERIM USES. MOTION CARRIED WITH ALL AYES.

MOTION 02R-26-12 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO APPROVE PUBLISHING ORDINANCE AMENDMENT NO. 303 IN SUMMARY FORM IN THE LEGAL NEWSPAPER. MOTION CARRIED WITH ALL AYES.

4. PUBLIC WORKS/CEMETERY/SEWER –
- a. The Public Works Commission Meeting Minutes of January 3, 2012 was included in the packet for Council information.
  - b. The December 2011 Wastewater Treatment Discharge Monitoring Report was included in the packet for Council information.
  - c. A letter dated January 30, 2012 from the Crow Wing County Highway Department regarding annual bridge inspections was included in the packet for Council information.
    - i. A letter dated February 10, 2012 from the Crow Wing County Highway Department regarding bridge maintenance was included in the packet for Council information. Ted Strand noted that his intentions are to maintain Sunrise Island Bridge as noted in the letter.
  - d. A memo dated February 7, 2012 from the Public Works Commission regarding a recommendation regarding Daggett Pine Road mill and overlay project was included in the packet for Council review. MOTION 02R-27-12

WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE THE PLANS AND BID THE MILL AND OVERLAY OF DAGGETT PINE ROAD FROM APPROXIMATELY WILDERNESS TRAIL TO THE DREAM ISLAND BRIDGE UTILIZING TYPE B OIL AND LEAVING THE ROAD AT THE CURRENT 20-FOOT WIDTH. MOTION CARRIED WITH ALL AYES.

Ted Strand asked the Council if it was ok to once again use high school students to help with the St. Patrick's Day parade work. As in the past Mr. Strand brings high school students along to help set up and take down for the parade, and by doing so the students earn community service hours. MOTION 02R-28-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO AUTHORIZE TED STRAND TO UTILIZE THE HELP OF HIGH SCHOOL STUDENTS FOR THE ST. PATRICK'S DAY PARADE. MOTION CARRIED WITH ALL AYES.

5. **CROSSLAKE COMMUNICATIONS –**

- a. Crosslake Communication's Bills for Approval – MOTION 02R-29-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE THE DECEMBER 2011 BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$311,902.18. MOTION CARRIED WITH ALL AYES.
- b. The Highlights Report for January was included in the packet for Council information. Paul Hoge reported that they are currently reviewing revenue projections for the Father Foley area, they are researching refinancing their bond, and they are concerned about their in-ground facilities located in the CSAH 3 road upgrade area. Mr. Hoge also noted the Lydia Sasse was recognized for her 15 years of service.
- c. The Crosslake Communications Meeting Minutes of January 31, 2012 were included in the packet for Council information.
- e. The Crosslake Communications Customer Counts Report was included in the packet for Council information.

6. **RECYCLING –**

- a. The Crosslake Roll-Off Recycling Report for January 2012 was included in the packet for Council information.
- b. The Waste Partners Recycling Report for December 2011 was included in the packet for Council information.

8. **PERSONNEL COMMITTEE – None.**

9. **ECONOMIC DEVELOPMENT AUTHORITY –**

- a. The EDA Meeting Minutes of December 14, 2011 were included in the packet for Council information.

**H. CITY ATTORNEY REPORT –**

1. The City Attorney Report dated February 13, 2012 was included in the packet for Council information.

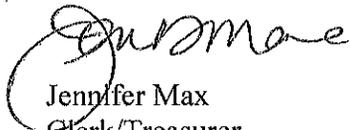
**I. OLD BUSINESS** – None.

**J. NEW BUSINESS** – None.

**K. PUBLIC FORUM** – None.

**L. ADJOURN** – MOTION 02R-30-12 WAS MADE BY RUSTY TAUBERT AND SECONDED BY JOHN MOENGEN TO ADJOURN THIS REGULAR MEETING AT 10:12 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,

  
Jennifer Max  
Clerk/Treasurer

Deputy Clerk/Minutes/2-13-12.doc

**BILLS FOR APPROVAL**  
February 13, 2012

VENDORS	DEPT	AMOUNT
Ace Hardware, casters	PW	12.79
Ace Hardware, velcro	Fire	35.25
Alex Air Apparatus, extrication hose	Fire	650.51
Ameripride, mats	PW	110.32
Award a Memory, tags, truck equipment	Fire	382.46
AW Research, water test	Sewer	113.40
Business Forms and Accounting, payroll checks	Admin	194.61
Business Forms and Accounting, fund accounting checks	Admin	114.41
City of Crosslake, sewer utilities	PW/Gov't	180.00
Clean Team, february cleaning	Gov't	756.14
Council #65, union dues	ALL	550.00
Couri & Ruppe, legal fees	ALL	5,013.75
Crosslake Communications, phone, fax, cable, internet	ALL	1,539.49
Crosslake Rolloff, recycling	Gov't	2,695.00
Crosslake Sheetmetal, wash bay service call	PW	82.00
Crosslake Sheetmetal, circuit board	PW	525.00
Crosslake Sheetmetal, service call	Gov't	82.00
Crow Wing County Highway Dept, fuel	ALL	3,646.46
Culligan, water and cooler rental	PW/Gov't	89.65
Dacotah Paper, mop heads	Gov't	76.93
Darrell Schneider, reimburse mileage	Council	189.81
Dash, medical gloves	Police	72.90
Deferred Comp	ALL	226.92
Delta Dental, dental insurance	ALL	1,666.65
Donna Keiffer, aerobics session 2	P&R	242.44
Donna Keiffer, latin exercise session 2	P&R	88.16
Echo Publishing, public meeting notice for csah 3 project	PW	56.00
Fitness Wholesale, dyna band	P&R	69.00
Fortis, disability	ALL	509.88
Frontline Plus, nozzles	Fire	115.63
Galls, nameplates, uniforms	Fire	395.85
Holiday Station, solar salt	Fire	10.68
Honey Wagon, pump and clean flam trap and sand trap trench	PW	220.00
Jefferson Fire & Safety, turnout gear	Fire	4,323.67
Jefferson Fire & Safety, shields	Fire	264.75
Jenny Max, reimburse petty cash	ALL	57.80
Lakes Area Rental, blade sharpening, spark plug	PW	20.79
Magnum Fitness, belts, bolt, crank	P&R	417.00
Marsden, office cleaning	PW	647.66
Martin Communications, 4 new pagers	Fire	1,863.90
Mastercard, Amazon.com, ipad case	P&Z	29.99
Mastercard, Amazon.com, screen protector	P&Z	13.70
Mastercard, Ebay, digital voice recorder	Police	54.99
Mastercard, Mr. Tire, oil change	PW	29.81
Mastercard, Office Max, bulletin board, dry erase boards	PW	193.24



**ADDITIONAL BILLS FOR APPROVAL**  
**February 13, 2012**

VENDORS	DEPT	AMOUNT
Ace Hardware, batteries	PW	10.14
Ace Hardware, ballast, wire	Fire	39.50
Ace Hardware, ballast	Fire	11.76
Ace Hardware, ballast	Fire	43.81
American Tire Distributors, tires	Police	509.75
Crosslake Auto Body, towing of forfeited vehicle	Police	105.54
Crosslake Firefighters Relief Assn, city contribution	Fire	16,520.84
Crow Wing County Recorder, filing fees	P&Z	460.00
Crow Wing Power, electric service	ALL	8,335.62
Fire Instruction & Rescue, asbestos inspection	Fire	450.00
Fire Instruction & Rescue, reading smoke instruction	Fire	310.00
Galls, nameplates	Fire	23.50
Jefferson Fire & Safety, wipes, gloves, pants	Fire	299.85
Jefferson Fire & Safety, helmets	Fire	300.47
Krause Lock & Key, keys, rekey cylinders	Fire	724.31
Krause Lock & Key, new locks	Fire	1,230.00
Mastercard, Amazon.com, keyboard, mouse	P&Z	63.98
Sioux Valley Environmental, reagent test kits	Sewer	220.10
USA Bluebook, mixer	Sewer	1,519.73
Winners Trophy and Engraving, plaques	P&R	80.16
<b>TOTAL</b>		<b>31,259.06</b>

## Accounts Payable

G.5.a.

## Check Register

12/01/2011 To 12/31/2011

Check	Date	Vendor Name	Reference	Amount
172	12/09/2011	INTERNAL REVENUE SERVICE	FED, FICA, MEDICARE	7,451.75
173	12/09/2011	PERA	PERA EE & ER	3,885.41
174	12/09/2011	MINNESOTA DEPT OF REVENUE	MN WITHHOLDING	1,322.17
175	12/09/2011	ING-DEFERRED COMP	DEFERRED COMP	5,459.60
176	12/09/2011	CITY OF CROSSLAKE (SEWER)	NOVEMBER SEWER	36.00
177	12/09/2011	INTERNAL REVENUE SERVICE	DECEMBER EXCISE TAX	927.97
225	12/23/2011	INTERNAL REVENUE SERVICE	FED, FICA & MEDICARE	7,446.39
226	12/23/2011	PERA	PERA EE & ER	3,858.90
228	12/23/2011	ING-DEFERRED COMP	DEFERRED COMP	2,106.35
229	12/23/2011	CROW WING POWER	ELECTRIC SERVICE	4,563.48
230	12/23/2011	MINNESOTA DEPT OF REVENUE	DECEMBER SALES & USE TAX	8,122.00
27008	12/09/2011	PAUL BUNYAN COMMUNICATIONS	DECEMBER CHANNEL TRANSPORT	800.00
27009	12/09/2011	MINNESOTA DEPT OF COMMERCE	3RD QTR 2012 INDIR ASSESSMENT	395.88
27010	12/09/2011	LARRY EVENSON	CAFE PLAN REIMB. - BALANCE 182.01	206.99
27011	12/09/2011	ECHO PUBLISHING & PRINTING INC	ADS 11/10 & 11/29	70.00
27012	12/09/2011	CROSSLAKE ROLLOFF	DIRECTORY RECYCLE - DECEMBER/JANUARY	110.00
27013	12/09/2011	GOPHER STATE ONE CALL	LOCATES	113.10
27014	12/09/2011	ONVOY VOICE SERVICES	0264 & 6264 PROGRAMS, SS7, OPR SERV, LAKES LD	10,033.04
27015	12/09/2011	MOSS & BARNETT	T-MOBILE TOWER LEASE	112.50
27016	12/09/2011	OLSEN THIELEN CO LTD	MIC ACTIVITY	485.34
27017	12/09/2011	UNITED PARCEL SERVICE	WKLY SERV & MISC SHIPPING	220.86
27018	12/09/2011	CROSSLAKE COMMUNICATIONS	PHONE SERVICE, COMM CTR VOICE MAIL	1,609.61
27019	12/09/2011	CITY OF CROSSLAKE	OPERATING TRANSFER	21,666.63
27020	12/09/2011	XCEL ENERGY	NOVEMBER NATURAL GAS	122.76
27021	12/09/2011	SOLIX	B&C STATEMENT	41.24
27022	12/09/2011	IKON OFFICE SOLUTIONS	COPIER MAINTENANCE	132.56
27023	12/09/2011	AMERIPRIDE LINEN & APPAREL	RUG & TOWEL SERVICE	94.67
27024	12/09/2011	LYDIA SASSE	CAFE PLAN REIMB - BALANCE -0-	118.69
27025	12/09/2011	WHITEFISH AREA PROPERTY OWNERS	2012 ANNUAL DUES	25.00
27026	12/09/2011	MINNESOTA 9-1-1 PROGRAM	DECEMBER 911, TAP & TAM	1,556.82
27027	12/09/2011	BRAINERD LAKES AREA CHAMBER	MEMBERSHIP 3/2012 - 3/2013	590.00
27028	12/09/2011	CENTRAL TRANSPORT GROUP LLC	1 T3 & 4 DSI'S	3,708.32
27029	12/09/2011	PINNACLE PUBLISHING LLC	TELEPHONE DIRECTORY-4	1,187.02
27030	12/09/2011	ROVI GUIDES	AFFILIATE PAYMENT	190.09
27031	12/09/2011	SHOWTIME NETWORKS INC	AFFILIATE PAYMENT	230.00
27032	12/09/2011	FOX SPORTS NET NORTH	AFFILIATE PAYMENT	5,038.80
27033	12/09/2011	TOWER DISTRIBUTION COMPANY	AFFILIATE PAYMENT	239.14
27034	12/09/2011	LIFETIME	AFFILIATE PAYMENT	613.04
27035	12/09/2011	AZAR COMPUTER SOFTWARE SERVICES	SOFTWARE SUPPORT JAN-JUNE 2012	2,250.00
27036	12/09/2011	TV GUIDE NETWORKS INC	AFFILIATE PAYMENT	513.10
27037	12/09/2011	BL BROADCASTING INC	HOLIDAY RADIO ADS	165.00
27038	12/09/2011	AT&T - DALLAS TX	PARS 12/1 BAN 1499	242.53
27039	12/09/2011	7SIGMA SYSTEMS INC	NOVEMBER CONSULTING	2,000.00
27040	12/09/2011	CORNERSTONE PUBL GROUP INC.	DECEMBER NEWSLETTER	1,821.20
27041	12/09/2011	CROSSLAKE ACE	DRILL BIT, FENCING, SALT, PROPANE	188.54
27042	12/09/2011	NATIONAL CABLE TEL COOP INC	AFFILIATE PAYMENT	24,941.36
27043	12/09/2011	EQUUS COMPUTER SYSTEMS INC	i1026R1 - CMS SERVER	2,218.22
27044	12/09/2011	CINNAMON MUELLER	RETRANSMISSION	679.50
27045	12/09/2011	KARE 11 TV	AFFILIATE PAYMENT	597.50
27046	12/09/2011	WASTE PARTNERS INC.	NOVEMBER TRASH REMOVAL	75.06
27047	12/09/2011	DISCOVERY COMMUNICATIONS INC.	AFFILIATE PAYMENT	114.23
27048	12/09/2011	WEATHER CENTRAL	DECEMBER DATA FEED	195.00
27049	12/09/2011	IKON FINANCIAL SERVICES	COPIER LEASE 22 OF 60	362.03
27050	12/09/2011	NORTHLAND PRESS	WORLD AT YOUR FINGERTIP AD	70.80
27051	12/09/2011	ZAYO BANDWIDTH	DEDICATED FACILITIES & BANDWIDTH	1,195.00
27052	12/09/2011	TIGER DIRECT	VIDEO CARD AND MONITOR FOR RESALE	160.19
27053	12/09/2011	KSTP-TV LLC	AFFILIATE PAYMENT	312.25
27054	12/09/2011	AVNET INC	REPAIR DCH6416	92.37
27055	12/09/2011	4M FUND F.B.O. 35373-101	FUND DEBT SERVICE RESERVE NOV & DEC	75,615.50
27056	12/09/2011	ONLINE INFORMATION SERVICES	5 EXCHANGE REPORTS	43.50
27057	12/09/2011	HUB TELEVISION NETWORKS, LLC	AFFILIATE PAYMENT	21.33

		2 of 2	
27058	12/09/2011	ONLINE COLLECTIONS	36.71
27059	12/09/2011	BIG 10	1,236.00
27060	12/09/2011	TIME COMMUNICATIONS	305.64
27061	12/09/2011	VERIZON WIRELESS	297.96
27062	12/09/2011	AQUARIUS WATER CONDITIONING INC.	44.89
27063	12/09/2011	ROBERT KVAM	288.58
27064	12/09/2011	RODNEY NELSON	77.00
27065	12/09/2011	NEVIN CONSTRUCTION	51.1
27066	12/09/2011	LARRY G CRANE	9.78
27067	12/09/2011	JAMES MERRITT	47.56
27068	12/09/2011	JILL & JERRY LAMERE	23.29
27069	12/09/2011	CHRISTINA & THOMAS SMIEJA	24.00
27070	12/09/2011	VIRGINIA ASHENBERNER	26.67
27071	12/09/2011	TELCOM CONSTRUCTION	225.00
27072	12/09/2011	CROW WING POWER	2011 POLE USE FEE
27073	12/23/2011	IBEW LOCAL UNION 949	21.36
27074	12/23/2011	EMILY COOPERATIVE TELEPHONE	UNION DUES
27075	12/23/2011	RONALD J. SCHMIDT	NOVEMBER BANDWIDTH BILLING - 79 MBPS
27076	12/23/2011	OLSEN THIELEN CO LTD	3,015.00
27077	12/23/2011	SIMONSON LUMBER	CAFE PLAN REIMBURSEMENT - BAL 0
27078	12/23/2011	DEBORAH FLOERCHINGER	1,500.00
27079	12/23/2011	CITY OF CROSSLAKE	AUDIT (INTERIM), CAFE PLAN REVIEW
27080	12/23/2011	CENTURYLINK	6,164.00
27081	12/23/2011	CITI LITES INC	INSULATION & POLY FOR STORAGE AREA
27082	12/23/2011	THE OFFICE SHOP INC.	129.76
27083	12/23/2011	DELTA DENTAL PLAN OF MINNESOTA	CAFE PLAN REIMBURSEMENT - BALANCE 0
27084	12/23/2011	BUILD ALL LUMBER	154.20
27086	12/23/2011	CDW DIRECT LLC	WC CONSULTING FEB DEC 2011 - NOV 2012
27087	12/23/2011	NEUSTAR INC.	2,500.00
27088	12/23/2011	MINNESOTA LIFE INSURANCE CO	12/20 ACCESS MN CSLK-20
27089	12/23/2011	VANTAGE POINT	6.95
27090	12/23/2011	JOHNSON KILLEN & SEILER PA	LOCATES
27091	12/23/2011	CROW WING COUNTY HIGHWAY DEPT.	1,252.70
27092	12/23/2011	THELEN HEATING & ROOFING INC.	ADDING MACHINE TAPE & SCOTCH TAPE & TISSUE
27093	12/23/2011	CORNERSTONE PUBL GROUP INC.	64.90
27094	12/23/2011	CYNTHIA PERKINS	JANUARY DENTAL INSURANCE
27095	12/23/2011	PAUL HOGE	977.70
27096	12/23/2011	T-MOBILE USA INC.	CARDBOARD BAFFLES FOR NEW STORAGE AREA
27097	12/23/2011	SOURCEONE SOLUTIONS LLC	61.77
27098	12/23/2011	TIGER DIRECT	ADOBE ACROBAT X PRO FOR DÉBBY
27099	12/23/2011	CHERI E. AYD	427.87
27100	12/23/2011	KSTP-TV LLC	SOW & LNP CHARGES
27101	12/23/2011	AVNET INC	109.88
27102	12/23/2011	COOPERATIVE NETWORK SERV LLC	JAN LIFE PREMIUM
27103	12/23/2011	CUMMINS NPOWER LLC	NOVEMBER TTP SERVICE
27104	12/23/2011	NISC	NOVEMBER CONTRACT NEGOTIATIONS
27105	12/23/2011	BUSINESS CARD	1,903.65
27106	12/23/2011	JOY FELIX	NOV UNLEAD & DIESEL FUEL
27107	12/23/2011	GLADYS MCDONALD	717.43
27108	12/23/2011	CHERYL MORRIS	GARAGE HEATER REPAIR
27109	12/23/2011	JAMES & CONNIE TERRY	760.50
27110	12/23/2011	ZEE MEDICAL SERVICE	WEBSITE COMPASS MAGAZINE
			372.73
			92.00
			378.5
			17.1
			9,282.00
			453.82
			689.34
			285.25
			133.45
			500.00
			251.22
			65,516.78
			1,445.96
			146.95
			160.31
			50.00
			11.55
			44.57
<b>Total for General Account:</b>			<b><u>\$ 311,902.18</u></b>