

REGULAR COUNCIL MEETING  
CITY OF CROSSLAKE  
MONDAY, FEBRUARY 14, 2011  
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, February 14, 2011. 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, City Attorney Mike Couri, City Engineer Dave Reese and Echo Publishing Reporter Katie Anderson. There were approximately fifteen people in the audience.

**A. CALL TO ORDER** – Mayor Schneider called the Regular Council Meeting to order at 7:00 P.M. MOTION 02R-01-11 WAS MADE BY DARRELL SCHNEIDER AND SECONDED BY DEAN SWANSON TO ACCEPT THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

**B. CRITICAL ISSUES –**

1. Kevin Lee of North Ambulance was present and reviewed the 2010 North Ambulance report with the Council. Mr. Lee stated there were 661 runs in Crosslake for 2010 which was an increase from 590 runs in 2009. The average run time is 9 minutes 35 seconds which includes all responses to Crosslake including responses from the Pine River and Brainerd crews. Crosslake is also regularly staffed with one paramedic and one EMT which means there is regular Advanced Life Support on staff. The Brainerd Region's Overall Customer Satisfaction Score for 2010 was 93.75 which is a very high rating. Mr. Lee also stated the Crosslake crew regularly assists on calls to other local cities and that has been well received. The Council thanked Mr. Lee for his time.
2. Ruth Ann Hanson addressed the Council regarding the 37<sup>th</sup> Annual St. Patrick's Day Parade which will be held on Saturday, March 12<sup>th</sup> at 2:00 P.M. Ms. Hanson noted that Blinkie Buttons are on sale for \$5 which allows you to take advantage of specials from Crosslake merchants when you wear your button. The Crosslake Firefighter's Pancake Breakfast will be at the Crosslake Lutheran Church from 7:30 A.M. to noon and Re/Max will be offering hot air balloon rides at Manhattan Beach Lodge, weather permitting. There will be live music in Town Square before the parade and Tim Mahoney will be performing at Manhattan's from 5:00 P.M. to 9:00 P.M. As part of the festivities Ms. Hanson noted the Chamber will be holding a raffle on Thursday, March 17<sup>th</sup> at the Crosslake American Legion at 7:30 P.M. MOTION 02R-02-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE APPLICATION LG220 FOR THE BRAINERD LAKES CHAMBER. MOTION CARRIED WITH ALL AYES. Ms. Hanson also requested an over the road banner at the location by the campground and also another one near the Exchange parking lot. This is the same request that has been made in previous years. MOTION 02R-03-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO

APPROVE THE COUNTY ROAD 3 SIGN/BANNER APPLICATION AS SUBMITTED BY THE BRAINERD LAKES CHAMBER FOR A SIGN/BANNER ACROSS COUNTY ROAD 3 FOR THE ST. PATRICK'S DAY PARADE WITH ALL CONDITIONS EXCEPT THE CONDITION THAT STATES THE SIGN/BANNER SHALL NOT BE ALLOWED TO ADVERTISE PRIVATE PRODUCTS OR SERVICES. MOTION CARRIED WITH ALL AYES. Ms. Hanson extended a special thanks to the City Council and staff for the continued partnership that helps make this event a success.

**D. CONSENT CALENDAR –** MOTION 02R-04-11 WAS MADE BY DEAN SWANSON AND SECONDED BY JOHN MOENGEN TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR: (1.) SPECIAL COUNCIL MEETING AND PUBLIC HEARING MINUTES OF JANUARY 10, 2011; (2.) REGULAR COUNCIL MEETING MINUTES OF JANUARY 10, 2011; (3.) SPECIAL COUNCIL MEETING MINUTES OF JANUARY 24, 2011; (4.) SPECIAL JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION MEETING MINUTES OF FEBRUARY 3, 2011; (5.) CROSSLAKE COMMUNICATIONS BALANCE SHEET AND INCOME STATEMENT/DETAIL OF RESERVE BALANCES DATED DECEMBER 31, 2010; (6.) CITY MONTH END REVENUE REPORT DATED DECEMBER 2010; (7.) CITY MONTH END EXPENDITURE REPORT DATED DECEMBER 2010; (8.) PLEDGED COLLATERAL REPORT DATED 2/3/11 FROM JENNIFER MAX; (9.) LAKES STATE BANK PLEDGE REPORT DATED JANUARY 2011; (10.) FRANSEN BANK & TRUST PLEDGE REPORT DATED JANUARY 2011; (11.) LAKEWOOD BANK PLEDGE REPORT DATED JANUARY 2011 AND (12.) RIVERWOOD BANK PLEDGE REPORT DATED JANUARY 2011. MOTION CARRIED WITH ALL AYES.

**E. PUBLIC FORUM –**

1. Ruth Ann Hanson of the Brainerd Lakes Chamber addressed the Council regarding the Open Spaces Tour that will be held in Crosslake on February 24<sup>th</sup> from 4:00-7:00 P.M. The Chamber has identified 25 commercial properties that are looking for businesses to use their space and anyone interested should contact the Chamber for more information and maps.

**F. MAYOR'S REPORT –** None.

**G. CITY ADMINISTRATOR'S REPORT –**

1. City Bills for Approval – MOTION 02R-05-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE THE BILLS FOR PAYMENT FOR FEBRUARY AS SUBMITTED IN THE AMOUNTS OF \$50,561.08 AND \$13,690.00. MOTION CARRIED WITH ALL AYES.
2. A memo dated February 14, 2011 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-06-11 WAS MADE BY DEAN SWANSON AND SECONDED

BY DARRELL SCHNEIDER TO SCHEDULE THE BOARD OF APPEAL AND EQUALIZATION OF THE CITY OF CROSSLAKE ON FRIDAY, APRIL 29, 2011 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. City Administrator Swenson recommended Council approval to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04 as an option on a Liability Coverage Waiver Form included with the City's property insurance renewal forms with the League of Minnesota Cities Insurance Trust. MOTION 02R-07-11 WAS MADE BY DEAN SWANSON AND SECONDED BY DARRELL SCHNEIDER TO APPROVE NOT WAIVING THE MONETARY LIMITS ON MUNICIPAL TORT LIABILITY ESTABLISHED BY MN STATUTES 466.04. MOTION CARRIED WITH ALL AYES.
4. A memo dated February 9, 2011 from Tom Swenson regarding the 2011-2012 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-08-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO APPROVE THE 2011-2012 FIRE SERVICE CONTRACTS FOR THE CITY OF MANHATTAN BEACH AND FAIRFIELD TOWNSHIP AS PRESENTED. MOTION CARRIED WITH ALL AYES.

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

1. PLANNING AND ZONING –
  - a. The Planning and Zoning Commission/Board of Adjustment Regular Meeting Minutes and Public Hearing of December 17, 2010 were included in the packet for Council information.
  - b. The January 2011 Permit Summary was included in the packet for Council information. The year-to-date valuation for 2011 is \$15,360, which is down from the same period in 2010.
  - c. A memo dated February 14, 2011 from Lane Braaten regarding Consideration of a Licensed Architect's Signature Required by City Ordinance for Commercial Buildings for Gordon and Alma Siemers at 35724 County Road 3 was included in the packet for Council review. Mr. Anderson addressed the Council by noting that staff has had multiple conversations with the property owners regarding the proposed car wash structure to be constructed at 35724 County Road 3. The Siemers are concerned about the excessive cost in having a licensed architect review and stamp their proposed plans for the car wash. The car wash was approved as a conditional use by the Planning and Zoning Commission on June 25, 2010, and included as a condition for approval was "No zoning permit shall be issued until such time as the building

plans are signed by an architect licensed and/or registered with the State of Minnesota and approved for issuance by the Zoning Administrator.” Based on comments made to staff, the Siemers family feels that plans signed by an architect should not be necessary for this project as the cost to obtain them would be a strain on their budget. Mr. Anderson stated that although the City has not adopted the State Building Code, a builder is required to design a building to meet the Code. The requirement of an architect’s signature is to verify that the various components of a building such as handicap accessibility requirements are being met. Scott Siemers was present and stated that he has found nine businesses in Crosslake who were not required to have an architect’s signature on their plans before they were approved. Tom Tscheu from Frame Pro Construction noted that he has a structural engineer’s certification for the plans and believes this should be sufficient for the type of building that is being constructed. City Attorney Couri noted the Council could waive the requirement noted as a condition of approval as granted by the Planning and Zoning Commission; however, the purpose of the State Building Code is to protect the public and an architect’s job is to make sure those requirements are met. An engineer may not necessarily review the State Building Code for the necessary requirements. Mr. Couri noted that if this is already listed as a part of the City’s ordinance requirements then there is probably a good reason for it. Councilmember Swanson commented that considering this is simply an addition to an existing building, he feels the information presented by the property owners should be sufficient. City Engineer Dave Reese noted that an architect’s job is to review the building as a whole including things such as structural, mechanical and electrical aspects, and typically an engineer looks at only one area. Councilmember Moengen stated the City needs to find ways to help people do business in town and help businesses grow. Mayor Schneider stated that as a professional there is a certain level of responsibility that goes along with a person’s work which is sometimes why things cost as much as they do. MOTION 02R-09-11 WAS MADE BY MAYOR DARRELL SCHNEIDER TO DENY THE REQUEST MADE BY MR. AND MRS. SIEMERS REGARDING REQUESTING THE LICENSED ARCHITECT REQUIREMENT BE WAIVED. MOTION FAILED FOR LACK OF A SECOND. The Council continued a lengthy discussion on various zoning requirements and the pros and cons of having an architect’s signature on building plans, including the additional cost the property owner may incur. Attorney Couri stated that if the Council agreed with the Siemers perspective, the Council may determine the structural engineer’s review stamp meets the intent of the ordinance to have the plans prepared by an architect licensed in Minnesota. Following discussion, MOTION 02R-10-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DARRELL SCHNEIDER TO APPROVE THE REQUEST MADE BY MR. AND MRS. SIEMERS TO WAIVE THE LICENSED ARCHITECT REQUIREMENT PROVIDED THE PLANS ARE APPROVED BY A STRUCTURAL ENGINEER. MOTION CARRIED 3:2 WITH MAYOR SCHNEIDER AND COUNCILMEMBER ROE OPPOSED.

d. A Memo dated February 14, 2011 from Ken Anderson regarding a Recommendation to Approve Ordinance Amendment 2009-003, Amending Chapter 8, Section 8.50 As It Relates to Regulation of Outdoor Furnaces and Boilers was included in the packet for Council review. Mr. Anderson stated the Planning and Zoning Commission conducted a public hearing on January 28, 2011 regarding the proposed ordinance amendment. There have been public hearings on this issue at the March 27, 2009, April 24, 2009 and January 28, 2011 meetings of the Commission. The Commission had tabled action on this proposed amendment pending adoption of rules by the United States Environmental Protection Agency (EPA) that were due to be completed in 2010. Mr. Anderson reviewed the information provided to the Council and noted a letter from Bob Anderson that was received on January 27, 2011 which stated his concerns with a neighbor who has been using an outdoor wood burner. The ordinance amendment as proposed by the Commission would require a minimum lot size of five acres, a setback of 200 feet from any lot line, restriction of use limited to October 15<sup>th</sup> through April 15<sup>th</sup> of each year and also addresses potential nuisance issues. The Commission did not include any requirements relating to stack height but Mr. Anderson noted that many city ordinances have 18-20 feet stack height minimums. Councilmember Moengen stated that he understands the intent of the ordinance amendment but does not feel that this covers a lot of potential variables and is concerned with the enforcement aspect. Councilmember Roe asked the Council to consider what the City's liability is when a citizen asks for help with a situation that is causing him harm. Attorney Couri noted that another option is to have residents go through a Conditional Use Permit process where any neighbors within 350 feet are notified of a public hearing and are given an opportunity to comment with any questions or concerns. This option would create more process on the front end for the City but should reduce potential enforcement issues on the back end.

At 8:56 P.M. Mayor Schneider called a 10 minute break. Mayor Schneider called the meeting back to order at 9:07 P.M.

Councilmember Roe stated that many outdoor wood burners are not designed for use in high-density residential areas. Councilmember Swanson noted that maybe there would be less of a problem if they weren't allowed in a residential area. City Administrator Swenson commented that implementing a Conditional Use Permit process would give the City more options when dealing with nuisance issues because it could be considered a violation of the Conditional Use. Attorney Couri also noted that many cities do enforce ordinances on a complaint basis which could be applied to this situation as well. Councilmember Moengen stated he would like this to be re-addressed by the Planning and Zoning Commission to address the stack height and Conditional Use issues. Following discussion, MOTION 02R-11-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DARRELL SCHNEIDER TO REFER ORDINANCE AMENDMENT 2009-003 BACK TO THE PLANNING AND ZONING COMMISSION TO ADDRESS THE

ACREAGE, STACK HEIGHT, CONDITIONAL USE PROCESS AND DATE RESTRICTIONS AS DISCUSSED. MOTION CARRIED 4:1 WITH COUNCILMEMBER ROE OPPOSED.

- e. A Staff Report dated February 14, 2011 from the Planning and Zoning Commission regarding a Recommendation to Approve Ordinance Amendment 2010-006, an Amendment of Chapter 8, Section 8.02 to Revise the Definition of "Lot Line" and an Amendment to Chapter 3, Section 3.11, Subdivision by Metes and Bounds was included in the packet for Council review. Mr. Anderson stated the Planning and Zoning Commission conducted a public hearing on January 28, 2011 regarding the proposed ordinance amendment as initiated by the City Council to revise the definition of "Lot Line." Mr. Anderson reviewed area city ordinances and noted all have the same definition of "Lot Line" that is currently stated in Crosslake's ordinance. At this time the Commission is recommending no change to the definition. Instead, they suggested in discussion that the minimum lot size could be reduced for property in the Rural Residential zoning district. Furthermore, their recommendation is to require that a public hearing be held for all metes and bounds subdivisions, that the Planning and Zoning Commission would forward a recommendation to the City Council after they conducted the public hearing, and that the final metes and bounds subdivision approval would rest with the City Council. Currently, the Commission has final approval authority of the subdivision and the City Council only approves the park dedication. Any appeal of the Commission decision currently must be appealed directly to District Court. The draft ordinance amendment reflects the recommendations of the Commission. The Council discussed the subdivision application for Chip Lohmiller that is currently on hold and the effect on the application should the Council not make any changes to the definition of "Lot Line." Mr. Lohmiller has approved an extension of time for the City to review his application and the extension will expire on approximately April 15<sup>th</sup>. Attorney Couri noted that if the City Council did not take any action on this application prior to April 15<sup>th</sup>, then the application would be approved automatically. The Council held a lengthy discussion on easements and dedication of road right-of-ways. Following discussion, MOTION 02R-12-11 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO TABLE ORDINANCE AMENDMENT 2010-006 UNTIL THE MAY 2011 REGULAR COUNCIL MEETING. MOTION CARRIED WITH ALL AYES.

2. PUBLIC WORKS/CEMETERY/SEWER –

- a. The December 2010 Wastewater Treatment Discharge Monitoring Report was included in the packet for Council information.
- b. The Public Works Commission Meeting Minutes of December 6, 2010 was included in the packet for Council information.
- c. A Letter dated January 21, 2011 from the Crow Wing County Highway Department regarding the Annual Bridge Inspection was included in the packet for council information.

1. A Letter dated February 10, 2011 from Crow the Crow Wing County Highway Department regarding Bridge Maintenance was included in the packet for Council information.
- d. A Memo dated February 8, 2011 from the Public Works Commission regarding a Recommendation Regarding Support of Crow Wing County Project No. SAP 018-666-002 and Approval of Construction Cost Share Agreement with the City Crosslake for Trail Related Improvements on CSAH 66 and Harbor Lane Rehabilitation was included in the packet for Council review. City Administrator Swenson stated the Public Works Commission was updated on a meeting attended by him and Mr. Reese with the County Highway Department on February 4<sup>th</sup> to discuss incorporating 2011 City projects into a contract being bid for resurfacing CSAH 66 from CSAH 16 to CSAH 1. Included in the 2011 City Budget was removal and replacement of approximately 350 feet of curb and gutter adjacent to Loon Lake in order to construct a pedestrian/bike path in the future. Also included for 2011 was the reclaim and resurfacing of a portion of Harbor Lane. It is the feeling of City staff that a cooperative effort in working with the County to incorporate the City projects would be financially advantageous to the City. The Council reviewed a letter dated February 4, 2011 from Crow Wing County requesting support for Project S.A.P. 018-666-002 which would mill and overlay CSAH 66 from CSAH 16 to CSAH 1. MOTION 02R-13-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO APPROVE RESOLUTION NO. 11-05 SUPPORTING THE MILLING AND BITUMINOUS SURFACING IMPROVEMENT OF CSAH 66 FROM CSAH 16 TO CSAH 1. MOTION CARRIED WITH ALL AYES.

The Council next reviewed a draft CONSTRUCTION COST SHARE AGREEMENT WITH THE CITY OF CROSSLAKE FOR TRAIL RELATED IMPROVEMENTS ON CSAH 66 AND HARBOR LANE REHABILITATION, which was drafted by Crow Wing County. The agreement calls for incorporating the curb and gutter adjustment on CSAH 66 and incorporating the reclaim and bituminous surfacing of Harbor Lane into the bid documents by Crow Wing County. The City will be responsible for all costs related to the City projects and the total of the City costs will be increased by 8% to cover County construction observation and inspection of the City projects. MOTION 02R-14-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE THE CONSTRUCTION COST SHARE AGREEMENT WITH THE CITY OF CROSSLAKE FOR TRAIL RELATED IMPROVEMENTS ON CSAH 66 AND HARBOR LANE REHABILITATION WITH AN ESTIMATED COST TO THE CITY OF \$70,200 WHICH INCLUDES THE ESTIMATED PROJECT COST OF \$65,000 AND THE CONSTRUCTION OBSERVATION COST OF \$5,200. MOTION CARRIED WITH ALL AYES.

- e. A Memo dated February 8, 2011 from the Public Works Commission regarding the MPCA request to Install Two (2) Monitoring Wells Within City Right-of-Ways was included in the packet for Council review. Mr. Swenson

noted the Public Works Commission reviewed a letter dated February 1, 2011 from WSN which is working with the Minnesota Pollution Control Agency to locate ambient water wells in non-municipal sewerred areas to monitor ground water. The MPCA is requesting City approval to install two, 2-inch wells within the City of Crosslake. One well would be located on Manhattan Point and the other well is proposed to be located within the right-of-way of Dancing Bear Drive. Mr. Reese stated that there would be no cost to the City and the MPCA would be monitoring the ground water at these locations for many years to come to compile data on the water table. MOTION 02R-15-11 WAS MADE BY DARRELL SCHNEIDER AND SECONDED BY STEVE ROE TO APPROVE THE MPCA PROPERTY ACCESS AGREEMENT WITH THE CITY OF CROSSLAKE. MOTION CARRIED WITH ALL AYES.

- f. Mr. Reese gave an update on the Sunrise Island Bridge Project. Mr. Reese noted that the bridge project is currently being advertised and bids will be opened on March 3<sup>rd</sup> at City Hall. Mr. Reese noted many contractors expressing interest in the bridge project.

4. PUBLIC SAFETY –

- a. Chief Hartman reported 150 Police calls in Crosslake for January.
- b. Chief Hartman reported 36 Police calls in Mission Township for January.
- c. A Memo dated February 14, 2011 from Chief Hartman regarding the 2011-2012 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 City budgeted \$50,000 for the contract with Mission Township; however, due to budget constraints, they requested the contract price remain the same as 2010 at \$48,000. MOTION 02R-16-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO APPROVE THE 2011-2012 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.
- d. A Memo dated February 14, 2011 from Chief Hartman regarding a Policy on Processing Seized Property was included in the packet for Council review. Chief Hartman noted per the Minnesota Board of Peace Officers Standards, by March 1, 2011, the chief law enforcement officer of every state and local law enforcement agency shall adopt and implement a written policy on forfeiture that is identical or substantially similar to the model policy. Chief Hartman requested the Council adopt the model policy. MOTION 02R-17-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO APPROVE THE PROCESSION OF PROPERTY SEIZED FOR ADMINISTRATIVE FORFEITURE. MOTION CARRIED WITH ALL AYES.
- e. A Memo dated February 14, 2011 from Chief Hartman regarding Revisions to the Crosslake Police Department's Policies and Procedures was included in the packet for Council review. Chief Hartman requested permission to utilize the firm Lexipol LLC to update and make necessary revisions to the Crosslake

Police Department's Policies and Procedures Manual. The Crosslake Police Department was audited by the Minnesota Peace Officers Standards and Training Board and was warned that some of the policies are outdated and in need of immediate attention. Lexipol is a company that offers resources to public safety organizations which will give the department and its officers clear and concise policy guidance. The cost for the revisions and updates is \$4,950 which has been included in this years budget. MOTION 02R-18-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE CONTRACTING WITH LEXIPOL LLC TO UPDATE THE CROSSLAKE POLICE DEPARTMENT'S POLICIES AND PROCEDURES MANUAL. MOTION CARRIED WITH ALL AYES.

- f. The Crosslake Fire Department responded to 15 calls in January. Of those, 13 were medical calls, 1 was a structural call and 1 was a car accident.

#### 5. CROSSLAKE COMMUNICATIONS –

- a. Crosslake Communication's Bills for Approval – MOTION 02R-19-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE THE DECEMBER 2010 BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$181,996.74. MOTION CARRIED WITH ALL AYES.
- b. Paul Hoge requested the Council set a date for a Special Joint Council Meeting with the Utility Advisory Board for the Audit Presentation. It was the Consensus of the Council to set a date of Thursday, February 24<sup>th</sup> at 1:00 P.M. pending agreement of the date with Pat Powers from Olsen Thielen.
- c. The Highlights Report for January was included in the packet for Council information. Paul Hoge reported that they have discovered the problem with many of the dropped calls that people are having is due to carriers using the least cost routing mechanism. This means that many times a call doesn't go through or just rings and rings with no answer on the other end. Mr. Hoge stated MTA will be pursuing this issue with the FCC and possibly also with the Minnesota Attorney General.
- d. The Crosslake Communications Meeting Minutes of January 25, 2011 were included in the packet for Council information.
- e. The Crosslake Communications Customer Counts Report was included in the packet for Council information.

#### 6. PARK AND RECREATION/LIBRARY –

- a. The Crosslake Park/Library Commission Meeting Minutes of December 15, 2010 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 low-impact aerobics class available to Seniors on Tuesdays and Thursdays at 10:15 A.M. The popular Children's Story Hour takes place on Thursday mornings at 10:30 A.M. for preschool aged children. Mr. Henke would like to pass on a reminder to all of the Library patrons to remember to bring in their Library cards each time they visit the Library. This will be required from now on to be able to use the Library facilities and computers. 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 will feature a program called The Opposite of Cold on February 23<sup>rd</sup> at 1:00 P.M. Beginning with the origins of the Finnish sauna and continuing all the way to contemporary design, The Opposite of Cold is a commemoration of the history, culture, and practice of Finnish sauna in modern Midwestern Life. Photographer and area resident Aaron W. Hautala will discuss this new book he created with writer Michael Nordskog. Senior meals take place at the Community Center Monday through Friday at 11:30 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. Day passes and memberships are available. The PAL Foundation is currently selling Jim Stevenson greeting cards at the Community Center. New series are now available. Cost for the cards is \$6.00 for four cards. The Community Center is pleased to announce the return of Yoga with instructor Amber Hunt. Classes have begun and will continue through March 2011. Classes will be offered Monday evenings from 6:00-7:15 P.M. and Saturday mornings from 10:00-11:15 A.M. The cost is \$10.00 for a day pass or \$66.00 for 8 classes. The Crosslake Park Department was proud to host the opening night of the Crosslake Winterfest. The event took place on February 4<sup>th</sup> and 5<sup>th</sup>. On Friday, February 4<sup>th</sup> opening night ceremonies included sleigh rides, music by J.P., outdoor pond skating and much more! A special thanks goes out to Dan Miller and Dan Kepner for helping the Park Department with the lighting for the event. Another special thanks goes to Jessica Eide from Moonlite Bay for working with Park staff to make sure the event went off without a hitch. Registrations are now available for the popular indoor soccer program for youth 6<sup>th</sup> grade and above. The program runs for eight weeks beginning February 6<sup>th</sup> through March 27<sup>th</sup> from 3:30-4:45 P.M. Cost for the program is \$10 and registration is at the Community Center. The Crosslake Community Center will once again be hosting the popular AARP Tax Help Program. Appointments will be scheduled beginning February 15<sup>th</sup> and take place on Tuesday or Friday mornings from 8am - Noon through the tax deadline. Please call the Community Center to schedule your appointment. The Crosslake Parks Department is seeking local cross country ski enthusiasts and snowshoers to form a local ski and snowshoe club. Fundraising efforts are currently underway to provide funding for grooming ski trails at the Crosslake City Park. Club membership has been set at \$25 for this year. Membership fees will be used to pay for the grooming of our trails. The March Chautauqua program will feature Crosslake's Mayor Darrell Schneider and is titled Connecting All the Dots: Drawing the Community Together. Mayor Darrell Schneider will assess the progress that has been made on the Crosslake's current comprehensive plan. He will then present his vision for the future of the city, which will include both the current plan and creation of new plans. The program will be held on Wednesday, March 9<sup>th</sup> from 1:30-3:30 P.M.

Attendance for the Community Center in 2010 was 76,423 which is a monthly average of 6,369. Attendance for the Library was 37,053 which is an average of 3,088 per month. The Park Department is working with the Paul Bunyan Scenic Byway to continue the GeoHunt Program this summer. The second annual Crosslake Day in the Park is planned for Saturday, June 25<sup>th</sup>. This year the event will feature an arts and crafts fair. A more detailed update will be presented at the March Council meeting. The Library received numerous donations in January totaling \$305.00 as part of the 2011 annual Fund Drive. MOTION 02R-20-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO ACCEPT VARIOUS DONATIONS IN JANUARY TOTALING \$305.00 FOR THE LIBRARY. MOTION CARRIED WITH ALL AYES.

- b. A Memo dated February 14, 2011 from Jon Henke regarding Declaring Vehicle Excess Equipment was included in the packet for Council review. Mr. Henke noted the Parks Department is requesting the City Council declare the 2001 Ford Crown Victoria as surplus property. The Parks Department will be replacing the surplus squad with the newer 2006 Crown Victoria formerly used by Officer Erik Lee. MOTION 02R-21-11 WAS MADE BY DARRELL SCHNEIDER AND SECONDED BY JOHN MOENGEN TO DECLARE THE 2001 FORD CROWN VICTORIA AS SURPLUS PROPERTY AND AUTHORIZE CITY STAFF TO ADVERTISE FOR BIDS FOR THE SALE OF THE VEHICLE. MOTION CARRIED WITH ALL AYES.

7. RECYCLING –

- a. The Crosslake Roll-Off Recycling Report for January 2011 was included in the packet for Council information.
- b. The Waste Partners Recycling Reports for October, November and December 2010 were included in the packet for Council information.

8. PERSONNEL COMMITTEE – None.

9. ECONOMIC DEVELOPMENT AUTHORITY –

- a. The EDA Meeting Minutes of October 6, 2010 were included in the packet for Council information.
- b. The BLAEDC 4<sup>th</sup> Quarter Activity Reports were included in the packet for Council information.

**H. CITY ATTORNEY REPORT –**

- 1. The City Attorney Report dated February 9, 2011 was included in the packet for Council information.
  - a. A Resolution Setting Site Inspection and Public Hearing for Mandatory Cartway was included in the packet for Council review. Attorney Couri noted the Council needs to establish a public hearing date in regards to the cartway petition brought forth by Fraser Enterprises. The Council will need to determine what the value of the damages would be for the land lost to the cartway and if there is a need for a wetland delineation due to

the close proximity of the proposed cartway. Attorney Couri also noted that the Council is required to view the property before the hearing. MOTION 02R-22-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE RESOLUTION NO. 11-06 SETTING SITE INSPECTION AT 5:00 P.M. AND PUBLIC HEARING AT 6:30 P.M. ON JUNE 13, 2011 FOR MANDATORY CARTWAY. MOTION CARRIED WITH ALL AYES.

- b. A Letter dated February 7, 2011 from Gerald Brine regarding Availability to Attend Hearings Regarding Fraser Enterprises Cartway Petition was included in the packet for Council information.

**I. OLD BUSINESS – None.**

**J. NEW BUSINESS – None.**

**K. PUBLIC FORUM – None.**

**L. ADJOURN – MOTION 02R-23-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO ADJOURN THIS REGULAR MEETING AT 10:47 P.M. MOTION CARRIED WITH ALL AYES.**

Respectfully submitted by,



Jennifer Max  
Clerk/Treasurer

Deputy Clerk/Minutes/2-14-11.doc

**BILLS FOR APPROVAL**  
February 14, 2011

VENDORS	DEPT		AMOUNT
Ace Hardware, hand warmers	P&R		12.83
Ace Hardware, hex key combo set	PW		61.97
Ace Hardware, filters, plug ins, bulbs	PW		86.38
Ace Hardware, super glue	P&R		4.26
Ace Hardware, hardware	P&R		7.47
Ace Hardware, towels	PW		14.41
Alex Air Apparatus, compressor service	Fire		705.00
Ameripride, mats	PW		105.53
Batteries Plus, batteries	Gov't		13.29
Business Forms & Acct, utility bills	Sewer		229.45
Central Lakes College, training	Police		600.00
Council #65, union dues	ALL		517.00
Crosslake Auto Body, install stripes and graphics	Police		175.00
Crosslake Communications, annual fee for random testing	ALL		37.50
Crosslake Demolition, washed sand	PW		995.54
Crosslake Sheetmetal, furnace repair	Gov't		125.39
Crow Wing County Attorney, fines and fees	Gov't		1,441.81
Crow Wing County Chiefs Assn, membership dues	Police		50.00
Crow Wing County Hwy Dept, fuel	ALL		5,119.17
Culligan, water and cooler rental	PW/Gov't		51.25
Deferred Comp	ALL		226.92
Delta Dental, dental insurance	ALL		1,553.30
Demco, rubber stamp, bookmarks	Library		42.64
Diamond Industrial Cleaning Equipment, hose, hose ends	PW		51.03
Donna Keiffer, aerobics session #2	P&R		242.44
Environmental Services, e911 address	Gov't		25.00
Fortis, disability	ALL		499.10
General Drivers Union Local #346, union dues	Police		171.00
Gull Lake Glass, replace window, brush sweeps	P&R		367.00
League of MN Cities, loss control workshop	ALL		120.00
Marsden, office cleaning	PW		647.66
Mastercard, Fleet Farm, uniform, creepers, charger	PW		245.65
Mastercard, FootSmart, uniform	Police		159.95
Mastercard, Spa Partners, gym equipment wipes	P&R		249.12
Mastercard, Valley Pools, sodium bicarbonate	Sewer		69.23
Medica, health insurance	ALL		29,555.59
Menards, hoses, cleaning supplies	PW/Gov't		104.57
MN Benefits	Admin	pd 2-1-11	176.42
MN Dept of Labor & Industry, license fees	P&Z		50.00
MN Life, life insurance	ALL		469.60
Municipal Code, legal manuscript	Gov't		2,778.75
NCPERS-Life Insurance	ALL		176.00
North Ambulance, subsidy	Ambulance	pd 2-1-11	1,103.00
PERA	ALL		N/A
Reed's Market, sentence to serve	P&R		15.98

Reed's Market, plates	Gov't		6.24
Reed's Market, coffee, napkins	P&R		15.25
State and Federal Taxes	ALL		N/A
Tom Swenson, vehicle expense	Admin	pd 2-1-11	400.00
Verizon, cell phone charges	ALL		686.39
<b>TOTAL</b>			50,561.08

**ADDITIONAL BILLS FOR APPROVAL**  
**February 14, 2011**

VENDOR	DEPT	AMOUNT
Ace Hardware, batteries	Police	12.28
Ace Hardware, drill bit	P&R	4.26
Ace Hardware, sandpaper, plumbing supplies, bolts	P&R	11.73
Ace Hardware, rope for flag pole	PW	31.26
Ace Hardware, ceramic heater, garbage bags	Sewer	66.23
AW Research, water test	Sewer	113.40
AW Research, water test	Sewer	113.40
California Contractors, super wipes	PW	717.60
Crow Wing Auto Body, remove stripes	P&R	250.00
Crow Wing County Attorney, 50% fines/fees	Police	520.40
Crow Wing Power, electric service	ALL	9,099.70
Finance and Commerce, ad for bids for bridge project	PW	248.30
Fire Instruction & Rescue, infectious disease training	Fire	400.00
Grand Forks Fire Equipment, nozzles	Fire	1,378.42
Holiday Station, sea foam	PW	19.86
Johnson Kilen Seiler, general personnel matters	Gov't	55.50
Mastercard, Office Max, paper, receipts	Library	156.09
Mastercard, Office max, ink cartridges, receipts	P&R	296.92
Medtox, drug test	P&R	71.26
MN Section CSWEA, conference	Sewer	70.00
The Office Shop, ink, pencils	Admin	53.39
		13,690.00

RESOLUTION 11-05  
CITY OF CROSSLAKE  
COUNTY OF CROW WING  
STATE OF MINNESOTA

RESOLUTION SUPPORTING THE MILLING AND BITUMINOUS SURFACING  
IMPROVEMENT OF CSAH 66 FROM CSAH 16 TO CSAH 1

WHEREAS, plans for Project No. S.A.P. 018-666-002 showing proposed Milling and Bituminous Surfacing Improvement of County State-Aid Highway No. 66 within the limits of the City of Crosslake as a State Aid Project have been prepared and presented to the City of Crosslake;

NOW, THEREFORE, BE IT RESOLVED, that said plans be in all things approved.

Adopted by the Crosslake City Council this 14<sup>th</sup> day of February 2011.



Thomas N. Swenson  
City Administrator



Darrell Schneider  
Mayor

CERTIFICATION

STATE OF MINNESOTA  
COUNTY OF CROW WING  
CITY OF CROSSLAKE

I, Jennifer D. Max, Clerk of the City of Crosslake, Minnesota, do hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the City Council of Crosslake at a meeting therefore held in the City of Crosslake, Minnesota, on the 14<sup>th</sup> day of February, 2011, as disclosed by the records of said City in my possession.

  
\_\_\_\_\_  
Jennifer D. Max  
City Clerk

(Seal)

**Crosslake Telephone Company**  
**General Account**  
From December 1, 2010 through December 31, 2010

Check #	Date	Description	Amount
001244	12/6/2010	INTERNAL REVENUE SERVICE	7,293.68
001245	12/6/2010	PERA	3,789.11
001246	12/6/2010	MINNESOTA DEPT OF REVENUE	1,266.28
001247	12/6/2010	ING-DEFERRED COMP	2,266.92
001248	12/10/2010	CITY OF CROSSLAKE (SEWER)	36.00
001249	12/31/2010	INTERNAL REVENUE SERVICE	1,593.89
001250	12/24/2010	INTERNAL REVENUE SERVICE	7,547.12
001251	12/24/2010	PERA	3,694.90
001252	12/24/2010	MINNESOTA DEPT OF REVENUE	1,281.18
001253	12/24/2010	ING-DEFERRED COMP	3,648.63
001254	12/27/2010	CROW WING POWER	4,337.16
001255	12/31/2010	MINNESOTA DEPT OF REVENUE	9,577.00
025813	12/10/2010	RONALD J. SCHMIDT	1,204.00
025814	12/10/2010	LARRY EVENSON	483.33
025815	12/10/2010	MINNESOTA TELECOM ALLIANCE	5,192.96
025816	12/10/2010	ECHO PUBLISHING & PRINTING INC	50.14
025817	12/10/2010	CROSSLAKE ROLLOFF	110.00
025818	12/10/2010	GOPHER STATE ONE CALL	118.90
025819	12/10/2010	ONVOY VOICE SERVICES	10,000.60
025820	12/10/2010	POWER & TELEPHONE SUPPLY	1,588.75
025821	12/10/2010	UNITED PARCEL SERVICE	117.57
025822	12/10/2010	CROSSLAKE COMMUNICATIONS	1,031.08
025823	12/10/2010	CITY OF CROSSLAKE	2,500.00
025824	12/10/2010	QWEST COMMUNICATIONS	58.55
025825	12/10/2010	CITI LITES INC	1,840.65
025826	12/10/2010	XCEL ENERGY	165.16
025827	12/10/2010	IKON OFFICE SOLUTIONS	126.25
025828	12/10/2010	AMERIPRIDE LINEN & APPAREL	147.09
025829	12/10/2010	MINNESOTA 9-1-1 PROGRAM	2,001.66
025830	12/10/2010	MN NCPERS LIFE INSURANCE	48.00
025831	12/10/2010	VOID	0.00
025832	12/10/2010	CDW DIRECT, LLC	99.04
025833	12/10/2010	CENTRAL TRANSPORT GROUP LLC	3,708.32
025834	12/10/2010	ASSURANT EMPLOYEE BENEFITS	378.44
025835	12/10/2010	PINNACLE PUBLISHING, LLC	1,323.26
025836	12/10/2010	UNIVERSAL SERVICE ADMIN CO.	2,090.52
025837	12/10/2010	ROVI GUIDES	213.89
025838	12/10/2010	SHOWTIME NETWORKS INC	299.20
025839	12/10/2010	FOX SPORTS NET NORTH	4,996.46
025840	12/10/2010	TOWER DISTRIBUTION COMPANY	252.78
025841	12/10/2010	MTV NETWORKS	6,992.04
025842	12/10/2010	LIFETIME	733.93
025843	12/10/2010	AZAR COMPUTER SOFTWARE	2,250.00
025844	12/10/2010	TV GUIDE NETWORKS INC	488.67
025845	12/10/2010	BL BROADCASTING, INC	105.00
025846	12/10/2010	AT&T - DALLAS TX	367.36
025847	12/10/2010	7SIGMA SYSTEMS, INC	2,000.00
025848	12/10/2010	THELEN HEATING & ROOFING, INC.	342.00
025849	12/10/2010	CORNERSTONE PUBL GROUP, INC.	1,811.87
025850	12/10/2010	CYNTHIA PERKINS	16.98
025851	12/10/2010	CROSSLAKE ACE	87.27
025852	12/10/2010	NATIONAL CABLE TEL COOP, INC	26,384.49
025853	12/10/2010	EQUUS COMPUTER SYSTEMS, INC	8,480.41
025854	12/10/2010	KARE 11 TV	609.75
025855	12/10/2010	WASTE PARTNERS, INC.	71.95
025856	12/10/2010	DISCOVERY COMMUNICATIONS, INC.	169.69
025857	12/10/2010	WEATHER CENTRAL	195.00
025858	12/10/2010	IKON FINANCIAL SERVICES	362.03
025859	12/10/2010	NATIONAL GEOGRAPHIC CHANNEL HD	8.09
025860	12/10/2010	CHARTER COMMUNICATIONS	1,850.00
025861	12/10/2010	TIGER DIRECT	269.31
025862	12/10/2010	KSTP-TV, LLC	357.25
025863	12/10/2010	ONLINE INFORMATION SERVICES	40.80
025864	12/10/2010	DHJV COMPANY LLC	23.27
025865	12/10/2010	ONLINE COLLECTIONS	220.84
025866	12/10/2010	BIG 10	1,292.60
025867	12/10/2010	TIME COMMUNICATIONS	133.70

025868	VERIZON WIRELESS	12/10/2010	CELL PHONES	254.18
025869	CROW WING COUNTY HIGHWAY DEPT.	12/10/2010	UNLEADED & DIESEL FUEL	684.86
025870	NORTHLAND PRESS	12/10/2010	HOLIDAY ADS	168.00
025871	JERRY MOYNAGH	12/10/2010	REFUND CREDIT BALANCE	56.94
025872	CLIFFORD & LAURIE EYCHANER	12/10/2010	PERM DISCONNECT	76.60
025873	BONA DECKER	12/10/2010	PERM DISCONNECT	17.20
025874	JENNIFER NELSON	12/10/2010	PERM DISCONNECT	40.30
025875	DAVID M KROONA	12/10/2010	PERM DISCONNECT	160.70
025876	DOUGLAS & ANN COOLEY	12/10/2010	PERM DISCONNECT	12.46
025877	NORTHERN LAKES EMBROIDERY	12/10/2010	SHIRTS FOR TECHS	236.88
025878	7SIGMA SYSTEMS, INC	12/10/2010	1 YR ENERGIZER UPDATES EMILY	1,998.00
025879	IBEW LOCAL UNION 949	12/24/2010	UNION DUES	416.46
025880	MINNESOTA DEPT OF COMMERCE	12/28/2010	3RD QTR INDIR ASSESSMENT	261.30
025881	OLSEN THIELEN CO LTD	12/28/2010	AMEND TO CAFE PLAN, 3RD QTR 499, AUDIT	8,118.52
025882	DEBORAH FLOERCHINGER	12/28/2010	3 EA Rx COPAYS, CAFÉ PLAN REIMB.	960.68
025883	CITY OF CROSSLAKE	12/28/2010	AD - COMMISSION OPENINGS	14.40
025884	QWEST COMMUNICATIONS	12/28/2010	12/20 ACCESS MN CSLK-20	56.31
025885	THE OFFICE SHOP, INC.	12/28/2010	PAPER TOWELS	111.84
025886	XCEL ENERGY	12/28/2010	METER CHGS SUNRISE & 16	46.50
025887	DELTA DENTAL PLAN OF MINNESOTA	12/28/2010	JANUARY DENTAL	1,001.80
025888	LYDIA SASSE	12/28/2010	HOTEL-CUST SERV SEMINAR	76.90
025889	MIN NCPERS LIFE INSURANCE	12/28/2010	JAN LIFE PREMIUM	48.00
025890	BRAINERD LAKES AREA CHAMBER	12/28/2010	MEMBERSHIP 3/11-3-12	570.00
025891	NATIONAL CABLE TELEVISION COOP	12/28/2010	RG6 FEED THRU BUSHINGS	123.20
025892	NEUSTAR INC.	12/28/2010	SOW & LNP CHARGES	156.64
025893	THE DOOR DOCTOR	12/28/2010	REPAIR GARAGE DOOR	99.15
025894	ASSURANT EMPLOYEE BENEFITS	12/28/2010	JAN LONG TERM DISABILITY	378.44
025895	MINNESOTA LIFE INSURANCE CO	12/28/2010	JANUARY LIFE PREMIUM	188.00
025896	UNIVERSAL SERVICE ADMIN CO.	12/28/2010	DECEMBER FUSC	2,090.52
025897	LIFETIME	12/28/2010	AFFILIATE PAYMENT	652.93
025898	MIKE'S ELEC OF CROSSLAKE LLC.	12/28/2010	BULB REPLACEMENT	313.00
025899	VANTAGE POINT	12/28/2010	NOVEMBER TTP SERVICE	300.00
025900	JOHNSON, KILLEN & SEILER, PA	12/28/2010	RE: HEALTH CARE REFORM	832.50
025901	D&H DISTRIBUTING CO.	12/28/2010	DSL ROUTERS & FIBER MODEMS	3,152.50
025902	CORNERSTONE PUBL GROUP, INC.	12/28/2010	WINTER WEBSITE COMPASS	590.75
025903	EQUUS COMPUTER SYSTEMS, INC	12/28/2010	PC'S FOR RESALE	2,801.38
025904	T-MOBILE USA, INC.	12/28/2010	RECIP COMP 11/1-11/30/10	26.04
025905	STELLAR BILLING, LLC	12/28/2010	DECEMBER BILLING	5,900.55
025906	ZAYO BANDWIDTH	12/28/2010	BANDWIDTH BILLING	2,445.00
025907	TIGER DIRECT	12/28/2010	REPLACE BACKUP/CALENDAR SERVER	424.18
025908	CHERI E. AYD	12/28/2010	DECEMBER OFFICE CLEANING	689.34
025909	FIRST CHOICE COMMUNICATIONS	12/28/2010	3 EA SATELLITE RECEIVERS	1,358.13
025910	COOPERATIVE NETWORK SERV, LLC	12/28/2010	BANDWIDTH BILLING 35 MBPS	1,750.00
025911	AQUARIUS WATER CONDITIONING, I	12/28/2010	DECEMBER SOFTENER RENTAL	44.89
025912	NORTHLAND PRESS	12/28/2010	DEC HOLIDAY ADS	168.00
			<b>TOTAL</b>	<b><u>181,996.74</u></b>

**CITY OF CROSSLAKE  
COUNTY OF CROW WING  
STATE OF MINNESOTA**

**RESOLUTION NO. 11-06**

**RESOLUTION SETTING SITE INSPECTION AND PUBLIC HEARING  
FOR MANDATORY CARTWAY**

**WHEREAS**, Fraser Enterprises, Inc. ("Petitioner") has petitioned the City of Crosslake to establish a cartway to a parcel of property owned by Petitioner as legally described in the Cartway Petition which is attached hereto as Exhibit A and incorporated herein by reference.

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

1. The City Council of the City of Crosslake, County of Crow Wing, State of Minnesota, will meet at 5:00 p.m. on June 13, 2011 at the property owned by Twin Valley Council, Inc. located at the westerly end of Lodge Pole Lane in Fairfield Township, Crow Wing County, Minnesota. At such time and place the City Council will view the proposed location of the subject cartway as requested by Petitioner over the lands owned by the following:

Twin Valley Council, Inc.  
Boy Scouts of America  
810 Madison Avenue  
Mankato, MN 56001

2. The City Council will conduct a public hearing at 6:30 p.m. on the 13th day of June, 2011 at the Crosslake City Hall located at 37028 County Road 66, Crosslake, Minnesota 56442, to hear all interested parties and determine the location where the cartway shall be established and what damages, if any, are due to any affected landowners. All persons who wish to be heard on any of the issues identified above, or on any other issue or matter relating to the Cartway Petition, should appear at the hearing and be prepared to offer or present any testimony, evidence, opinions, or views that they may have.

The requested location for the proposed cartway is graphically depicted in the Petition which is attached hereto as Exhibit A.

The only tracts(s) of land through which said cartway will pass and the owners and/or occupants thereof, according to the Petition, are as follows:

**TRACTS OF LAND**

See legal description and map on attached Exhibit A

## LANDOWNERS/OCCUPANTS

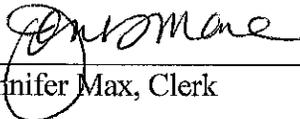
Twin Valley Council, Inc.  
Boy Scouts of America  
810 Madison Avenue  
Mankato, MN 56001

3. The Petitioners shall:
- a. Cause personal service of this Resolution and the Cartway Petition to be made upon each owner and occupant of land over which the proposed cartway would pass, and upon each person whose land would be reasonably expected to be affected by the establishment of the proposed cartway; and
  - b. Post a copy of this Resolution and the Cartway Petition attached as Exhibit A at the City's designated places; and
  - c. Accomplish items 3 (a) and (b) at least ten days before the cartway hearing; and
  - d. Submit to the City Clerk an affidavit, prior to the hearing, showing that items 3 (a) – (c) have been accomplished.

**PLEASE TAKE NOTICE THAT** all affected landowners are hereby notified, pursuant to Minnesota Statute 164.07, subd. 2, that they are entitled to judicial review of the damages, the need for the cartway, and the purpose of the cartway's establishment if the cartway is established, but that to do so they must follow all of the procedures set forth in Minnesota Statute Section 164.07, subd. 7, including but not limited to filing a notice of appeal within 40 days after the filing of the award of damages, and within ten days after the filing of the award of damages if they wish to delay the opening or construction of the cartway, together with a bond of not less than \$250.

Passed this 14th day of February, 2011.

  
\_\_\_\_\_  
Darrell Schneider, Mayor

  
\_\_\_\_\_  
Jennifer Max, Clerk

**PETITION FOR A CARTWAY TO  
ACCESS LANDLOCKED  
PROPERTY**

**To the Council of the City of Crosslake, Crow Wing County, Minnesota:**

The undersigned is the owner of a tract of land in Crow Wing County, more particularly described as follows:

Government Lot 1, Section 7, Township 137, Range 26, Crow Wing County, Minnesota except part lying northerly of the following described line: Commencing at the Northwest corner of said Government Lot 1; thence 03 degrees 34 minutes 06 seconds West assumed bearing along the West line of said Government Lot 1 for a distance of 1075 feet to the point of beginning of the line herein described; thence South 61 degrees 50 minutes 32 seconds East 361 feet more or less to the shoreline of Goodrich Lake and said line there terminating; also excluding that part of Government Lot 1 platted as Goodrich South View First Addition, according to the recorded plat thereof and also that part within the recorded plat of Timber Estates, according to the recorded plat thereof.

Said tract of land contains at least five acres of land and has no established access to it except over a navigable waterway, over the lands of others.

As the owners of the above described landlocked tract of land we hereby petition said City Council to establish a cartway pursuant to Minn. Stat. § 435.37, subd. 1. at a width of sixty-six (66) feet across the following described property:

**Owners**

Twin Valley Council, Inc.  
Boy Scouts of America  
810 Madison Ave.  
**Mankato, MN 56001**

**Property Description**

Government Lot 5, Section 12,  
Township 137, Range 27,  
Crow Wing County, Minnesota

**Description of proposed cartway:** The cartway begins at the terminus of Lodge Pole Lane; beginning at the northwest corner of Government Lot 1, Section 7 Township 137 Range 26, Crow Wing County, Minnesota; thence 90 degrees westerly from the east line of Government Lot 5, Section 12, Township 137, Range 27, Crow Wing County 33 feet to the center line of the proposed cartway; thence southerly along the east line of Government Lot 5, Section 12, Township 137, Range 27, Crow Wing County, Minnesota 882 feet more or less, thence in order to avoid the wetland proceeding southwesterly, southerly and southeasterly terminating on the east line of Government Lot 5, Section 12, Township 137, Range 27, Crow Wing County, Minnesota.

**SEE ATTACHED SITE PLAN**

The purpose and necessity for this petition is to seek the establishment of a legal access that is at least 33 feet wide to a tract of property that is landlocked. Other attempts to secure a permanent access to the property have been unsuccessful. In order to make use of the property and increase its value, we ask the city to establish a cartway connecting the tract of land to a public road.

We understand and agree that as the petitioners we are responsible for: (1) paying all costs associated with the establishment of the cartway which may include, but is not limited to, the city council's attorney fees, hearing costs, surveying fees, appraiser fees, compensation to the owners of the property over which the cartway is established for the taking of their property, administrative costs, court and defense costs if an appeal is brought, and any other costs legitimately associated with the cartway establishment; (2) constructing the cartway; and (3) maintaining the cartway.

Dated this 6<sup>th</sup> day of January, 2011.

**FRASER ENTERPRISES, INC**

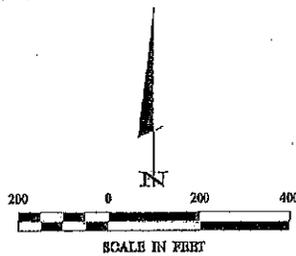
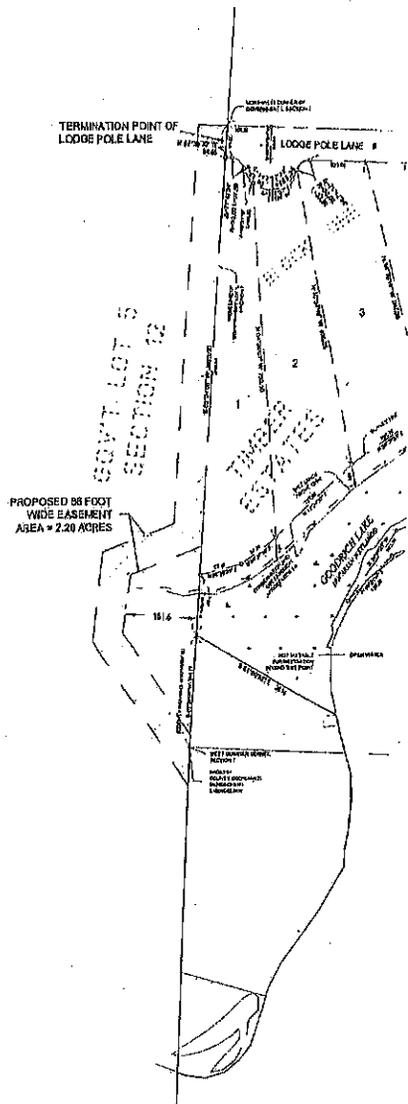
By: 

Leo Fraser

Its: President

Mailing Address: c/o Francis Fraser, 13053 Anchor Point Road, Crosslake, MN 56442

# SITE PLAN



PROJECT NUMBER: 10184  
DATE: 6-0-2010  
REVISED EASEMENT  
DATE: 1-05-2011



30176 Old Highway #371  
Suite 2  
P.O. Box 874  
Pequot Lakes, MN 56472  
Phone: 1-218-568-4940  
www.stonemarksurvey.com