

SPECIAL COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, MARCH 25, 2013
7:00 P.M. – CITY HALL

The Crosslake City Council held a Special Council Meeting in the Council Chambers of City Hall on Monday, March 25, 2013. The following Council Members were present: Mayor Darrell Schneider, Steve Roe, Gary Heacox, John Moengen and Mark Wessels. Also present were City Clerk Char Nelson, Community Development Director Ken Anderson, Police Chief Bob Hartman, Public Works Director Ted Strand, Operations Manager Jared Johnson, City Attorney Brad Person, Dan Vogt of DJV Consulting and Northland Press Reporter Paul Boblett. There were approximately fifteen people in the audience.

Mayor Schneider called the Special Meeting to order at 7:00 P.M. Dan Miller appeared before the Council and reported that the approval of the proposed Guest Quarters Ordinance was being delayed by the DNR. The City Council approved the ordinance amendment last year contingent on DNR approval. Lonnie Thomas was the DNR's Area Hydrologist at the time but has since retired. Mr. Thomas had been in favor of the ordinance but did not complete the process. Mr. Thomas has not been replaced in the Brainerd office. Ken Anderson and Dan Miller have recently spoken via telephone with an employee at the DNR office in St. Paul, MN who stated that he does not feel comfortable with the ordinance amendment and would not approve it. Dan Miller reported that Crow Wing County and the City of Nisswa have both proceeded with similar ordinances without DNR approval and Mr. Miller asked the Crosslake City Council to consider taking the same action. Mr. Miller argued that quarters above a garage use less impervious than a stand-alone building. Mark Wessels noted that if you have an attached garage, guest quarters are allowed. Ken Anderson stated that the DNR was willing to allow guest quarters to garages that already existed but did not want them added to newly built garages. The Planning and Zoning Commission has already held Public Hearings regarding the ordinance amendment. A discussion ensued regarding whether or not the City should move ahead without DNR approval. Brad Person added that there is no State law restricting this type of ordinance. Ken Anderson gave the Council two possible options to consider; 1) direct Ken Anderson to write another letter to the DNR asking them to consider approval, or 2) move forward in good faith knowing that the City attempted to work with the DNR. The DNR may choose to ignore the issue as it has in Nisswa and Crow Wing County or they could require the City to change the ordinance again. Steve Roe was in favor of sending a letter to document the City's attempt to work with the DNR. John Moengen cautioned that the DNR could react negatively if the City notifies them of their intent to move forward without approval. MOTION 03S2-01-13 WAS MADE BY MARK WESSELS AND SECONDED BY STEVE ROE TO APPROVE ORDINANCE NO. 312 AMENDING CHAPTER 26, ARTICLE I AND ARTICLE II, DIVISION 8 RELATED TO DWELLING, SECONDARY LIVING QUARTERS IN THE R-3, MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT. MOTION CARRIED WITH ALL AYES.

MOTION 03S2-02-13 WAS MADE BY STEVE ROE AND SECONDED BY GARY HEACOX TO APPROVE THE PUBLICATION OF THE SUMMARY OF ORDINANCE NO. 312 IN THE OFFICIAL NEWSPAPER. MOTION CARRIED WITH ALL AYES.

Gary Heacox showed the Council a picture of a home on Big Pine Trail that recently went into foreclosure that had garbage and junk strewn throughout the property. Mr. Heacox stated that there are a few more properties in the City that are in similar states and told the Council that they need to determine how to enforce violations of the ordinance regarding outside storage. A lengthy discussion ensued regarding safety concerns on these types of properties and how to require the bank or property owners to clean them up. Chief Hartman stated that this is not a criminal issue and the police department could not take action. Attorney Person suggested that in this case, the Council give the bank 30 days from June 12, 2013, which is when the bank takes official possession of the property, to clean and remove the trash from the property. MN State Statute 463 allows the City to clean the property and charge the owner if it is not resolved. Mr. Person added that this does not apply to "unsightly" properties. Ken Anderson read the City's ordinance regarding storage and stated that a letter had been sent to this property owner in November 2010 requesting the property be cleaned. John Moengen stated that enforcement is not always effective or easy when a person is living at the property because they may have physical or financial issues prohibiting them from being able to clean their property. MOTION 03S2-03-13 WAS MADE BY MARK WESSELS AND SECONDED BY JOHN MOENGEN TO DIRECT KEN ANDERSON TO WRITE A LETTER TO THE PROPERTY OWNER WITH COPIES FORWARDED TO THE BANK'S ATTORNEY AND MORTGAGE COMPANY REGARDING THE REQUIREMENT TO CLEAN THE PROPERTY WITHIN 30 DAYS OF TAKING POSSESSION OF THE PROPERTY ON JUNE 12, 2013 OR THAT THE CITY WILL TAKE ENFORCEMENT ACTION AND CHARGE THE BANK FOR CLEANUP SERVICES. MOTION CARRIED WITH ALL AYES.

MOTION 03S2-04-13 WAS MADE BY JOHN MOENGEN AND SECONDED BY MARK WESSELS TO APPROVE THE BILLS FOR PAYMENT AS PRESENTED IN THE AMOUNT OF \$31,407.99. MOTION CARRIED WITH ALL AYES.

MOTION 03S2-05-13 WAS MADE BY MARK WESSELS AND SECONDED BY JOHN MOENGEN TO DESIGNATE THE SECOND AND FOURTH MONDAYS OF THE MONTH AT 7:00 P.M. FOR THE REGULAR COUNCIL MEETINGS. MOTION CARRIED WITH ALL AYES.

MOTION 03S2-06-13 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO APPROVE RESOLUTION NO. 13-04 AUTHORIZING PARTICIPATION IN THE PERA POLICE AND FIRE PLAN FOR MATTHEW HARRIS. MOTION CARRIED WITH ALL AYES.

Dan Vogt appeared before the Council and stated that a Memorandum of Agreement was mistakenly included in the Council packet and requested that the document be

disregarded. Mr. Vogt presented job descriptions for the City Clerk and Finance Director/Treasurer positions. The Council discussed whether the City Clerk needed a supervisor and if the City Clerk should be part of the bargaining unit. Dan Vogt stated that labor attorney Steve Fecker needs to be involved in the decision and that the process to remove an employee from a bargaining unit can be difficult. It was the consensus of the Council to add to the City Clerk job description, "Assists in compiling wage and benefit information used in salary negotiations including gathering information from comparable employers concerning the terms and conditions of employment" which would make the City Clerk a confidential employee. This could be helpful in removing the City Clerk from the bargaining unit. MOTION 03S2-07-13 WAS MADE BY MARK WESSELS AND SECONDED BY JOHN MOENGEN TO APPROVE THE CITY CLERK JOB DESCRIPTION WITH REVISIONS TO INCLUDE THAT THE CITY COUNCIL IS THE CLERK'S SUPERVISOR AND TO ADD THE DUTY OF COMPILING WAGE AND BENEFIT INFORMATION USED IN SALARY NEGOTIATIONS INCLUDING GATHERING INFORMATION FROM COMPARABLE EMPLOYERS CONCERNING THE TERMS AND CONDITIONS OF EMPLOYMENT. MOTION CARRIED WITH ALL AYES.

Ken Anderson noted that the Finance Director/Treasurer's job description only listed GASB 34 in duties performed. Dan Vogt replied that the job description should be changed to include all GASB reporting. A discussion ensued regarding possible changes to the minimum qualifications for the Finance Director/Treasurer position. John Moengen questioned if the Finance Director/Treasurer should be required to have supervisory skills and whether the Personnel Committee could be more involved. Dan Vogt stated that the Council also needs to decide who will perform some of the City Administrator duties. A discussion ensued regarding the need for a City Administrator and how to include those job duties in other job descriptions. Mr. Vogt stated that changes could be made at any time to the job descriptions. MOTION 03S2-08-13 WAS MADE BY MARK WESSELS AND SECONDED BY DARRELL SCHNEIDER TO APPROVE THE FINANCE DIRECTOR/TREASURER JOB DESCRIPTION WITH REVISIONS TO INCLUDE CHANGING THE SUPERVISION EXERCISED TO NONE, ADDING TO DUTIES PERFORMED TO INCLUDE ALL GASB REPORTING, ADDING TO THE MINIMUM QUALIFICATIONS: AUDITING EXPERIENCE, AND ADDING DESIRED QUALIFICATIONS: CERTIFIED PUBLIC ACCOUNTANT (CPA) AND 3 YEARS EXPERIENCE IN GOVERNMENT ACCOUNTING OPERATIONS. MOTION CARRIED WITH ALL AYES.

Dan Vogt presented Pay Equity information used by the City of Crosslake to determine wages for its employees. The report listed job titles, comparable worth points and maximum salaries. The Deputy Clerk position had 150 points and a monthly salary of \$3,247. Mr. Vogt suggested that the City Clerk position be appointed 245 points and a monthly salary of \$4,250 and stated that this is comparable to other Minnesota cities. Mr. Vogt suggested that the points of 268 and monthly salary of \$4,579 listed for the Clerk/Treasurer remain the same for the Finance Director/Treasurer position. The Council discussed a salary range and a step process to reach the maximum amount. MOTION 03S2-09-13 WAS MADE BY JOHN MOENGEN AND SECONDED BY

STEVE ROE TO APPROVE THE JOB POINTS FOR THE CITY CLERK POSITION OF 245 AND MONTHLY SALARY OF \$4,250 EFFECTIVE MARCH 19, 2013. Dan Vogt stated that the union status of the City Clerk will need to be discussed with the labor attorney and be brought back to the Council at its next meeting. Char Nelson agreed with the terms. MOTION CARRIED WITH ALL AYES.

The Council reviewed a draft advertisement for the Finance Director/Treasurer position. Mr. Vogt suggested placing the ad on the web pages of the City, League of MN Cities, MCFOA, GFOA and in the local newspapers. MOTION 03S2-10-13 WAS MADE BY MARK WESSELS AND SECONDED BY JOHN MOENGEN TO APPROVE THE ADVERTISEMENT FOR EMPLOYMENT FOR THE FINANCE DIRECTOR/TREASURER AS PRESENTED WITH A SALARY RANGE OF \$50,000 TO \$55,000 DEPENDING ON QUALIFICATIONS AND TO ACCEPT APPLICATIONS UNTIL APRIL 19, 2013 AT 4:30 P.M. MOTION CARRIED WITH ALL AYES.

Dan Vogt requested further direction from the Council on what his next tasks for the City would be. After helping with the interview and hiring process of the Finance Director/Treasurer, Mayor Schneider stated that Mr. Vogt could assist the Council with streamlining meetings, employee evaluations, financial planning, budget process, etc. Dan Vogt stated that he will continue attending and participating in Council meetings. John Moengen thanked Mr. Vogt for his service to the City thus far.

There being no further business at 9:25 P.M., MOTION 03S2-11-13 WAS MADE BY MARK WESSELS AND SECONDED BY GARY HEACOX TO ADJOURN THE MEETING. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,



Charlene Nelson
Deputy Clerk

Deputy Clerk/Minutes/3-25-13

BILLS FOR APPROVAL
March 25, 2013

VENDORS	DEPT		AMOUNT
Aardvark Artwork, refinish sign	Gov't		1,100.00
Arnolds Equipment, bobcat parts	PW		69.08
AW Research, water testing	Sewer		226.80
Char Nelson, reimburse petty cash	ALL		66.74
Clement Plumbing, reimburse for hose reel and hose	Fire		719.96
Crow Wing Auto Body, vehicle repair	Police		1,561.98
Crow Wing County Highway Dept, fuel	ALL		4,757.82
Crow Wing County Sheriff, alarm registration	P&R/Gov't		40.00
Donna Keiffer, silver sneakers and aerobics	P&R	pd 3-19	440.00
FASC, evidence lockers	Police		12,314.14
Ferguson, meter	Sewer		271.93
Fire Instruction, blood borne pathogens	Fire		400.00
Firehouse, subscription	Fire		39.95
Granite Electronics, pager repair	Fire		157.82
Granite Electronics, mic and acoustic tube	Fire		244.74
Guardian Pest Solutions, pest control	ALL		82.94
Hawkins, chemicals	Sewer		987.77
Houston Ford, cooling fan module	Police		386.72
Johnson Killen & Seiler, personnel matters	Gov't		3,379.64
Ken Anderson, reimburse for calendar	P&Z		35.21
League of MN Cities, online class subscription	Police		389.60
Marco, copier lease	ALL		428.25
Marsden, trash bags	PW		39.54
Mastercard, Target, supplies	Library		71.42
Mastercard, Walmart, parade supplies	Gov't		295.89
Mid American Research, cleaners	PW		170.12
Mikes Electric, replace and relocate outlet	PW		240.00
MN Fire Service Certification Board, exam	Fire		100.00
Northland Fire Protection, extinguisher service	ALL		1,475.26
Northland Press, meeting notice of 3/22	P&Z		174.30
Northwood Turf and Power, oil filters, blade	P&R		349.81
Quality Vacuum, vacuum repair	Gov't		59.86
Simonson Lumber, lumber	P&R		11.99
The Office Shop, batteries, index tabs	P&Z/Gov't		22.14
Uniforms Unlimited, uniform	Police		210.71
Viking Electric, bulbs	P&R		17.51
Zee Medical, 1st aid kit supplies	PW		68.35
TOTAL			31,407.99

**CITY OF CROSSLAKE
RESOLUTION NO. 13-04**

**RESOLUTION AUTHORIZING PARTICIPATION IN THE
PERA POLICE AND FIRE PLAN**

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CROSSLAKE, MINNESOTA hereby declares that the position titled Part-Time Police Officer, currently held by Matthew Harris meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.



Charlene Nelson, City Clerk

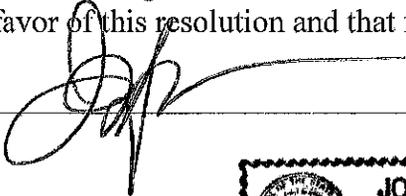


Darrell Schneider, Mayor

STATE OF MINNESOTA
COUNTY OF CROW WING

I, Brad Person, Attorney of the City of Crosslake, Minnesota, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the 25th day of March, 2013; the original of which is on file in this office. I further certify that five members voted in favor of this resolution and that five members were present and voting.

Signed: _____



Date: _____

4/1/13

