

PUBLIC HEARING AND REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, APRIL 11, 2005
6:30 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, April 11, 2005. The following Council Members were present: Mayor Jay Andolshek, Terry Curtis, Dean Eggena, Dick Phillips and Dean Swanson. Also present was City Administrator Thomas N. Swenson, Community Development Director Ken Anderson, City Attorney Kirk Adams, City Engineer Dave Reese, Park and Recreation Director Jon Henke, Police Sergeant Erik Lee, General Manager Dennis Leaser, Clerk/Treasurer Darlene Roach and Lake Country Echo Reporter Brian Clapper. There were approximately 7 citizens in the audience in addition to Staff.

PUBLIC HEARING – Mayor Andolshek called the public hearing to order at 6:30 P.M. and stated that the purpose of the meeting was to take public comments regarding a petition from Jon Hinze to vacate a portion of Tall Timber Trail that is approximately 34 feet by 120.5 feet in area. The hearing was turned over to Community Development Director Ken Anderson who presented the details leading up to this hearing. A petition was received from Jon and Monica Hinze to vacate a portion of road right-of-way adjacent to their property located on Lot 11 in the Old Log Headquarters Plat. If vacated, a 66 foot right-of-way would still be maintained. The request to vacate is being requested due to the area posing a safety issue to his family since people still use the area as a turnaround even though the road does extend through. The Ordinance requires that the petition be referred to the Planning and Zoning Commission, the Parks and Recreation Commission and the Public Works Commission for review. The Public Works Director has reviewed the area and is not supportive of the vacation request. The Planning and Zoning Commission recommends approval of the petition to vacate subject to the City retaining a 10 foot easement for drainage, utilities and public use trail. The Parks and Recreation Commission recommends acceptance of the vacation request provided Mr. Hinze incurs all costs associated with the vacation, that easements be granted to the City for future utility and trail needs and that the property remain as green space and be recorded into the deed as such. A draft resolution was prepared by the City Attorney which would require insertion of a legal description of the property prior to final execution. Several other items were included for Council information such as an area site plan showing the location of the subject parcel, correspondence from Mr. Hinze dated March 5th pertaining to the road vacation request requesting that the old cul-de-sac be changed into a ditch with the same dimensions as the rest of Old Log Landing, correspondence dated July 8, 2000 from former property owner Terry Wenninger, a letter dated August 18, 2000 from City Attorney Paul Sandelin which indicated, at that time, that the City would not be opposing a request for road vacation as well as copies of two emails received from adjacent property owners supporting the request from Mr. Hinze. A simple majority of the Council would be required to approve the vacation request. Mr. Hinze addressed the Council and passed around pictures of the area and requested approval on the road vacation since it involved a safety issue for his family. Council Member Curtis felt that this request was really a housekeeping matter in that the property

should have been vacated at the time the road was extended through. MOTION PH4-01-05 WAS MADE BY TERRY CURTIS AND SECONDED BY DEAN SWANSON TO VACATE THAT PORTION OF TALL TIMBER TRAIL, THAT THE CITY RETAINS A 10 FOOT EASEMENT AND THAT THE APPLICANT INCURS ALL COSTS.

Councilmember Eggena joined the meeting at 6:50 P.M.

MOTION WITHDRAWN BY CURTIS AND SWANSON.

Mayor Andolshek stated that the Council will take action on the item during the Critical Issues section of the Regular Council Meeting.

MOTION PH4-01-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN SWANSON TO CLOSE THIS PUBLIC HEARING AT 6:55 P.M. MOTION CARRIED WITH ALL AYES.

A. CALL TO ORDER- Mayor Andolshek called the Regular Council Meeting to order at 7:00 P.M. Approximately 30 individuals were in attendance for the regular meeting. MOTION 04R-01-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO APPROVE THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

B. CRITICAL ISSUES – Mayor Andolshek noted that a public hearing was held prior to this meeting to take public comments regarding a petition to vacate a portion of Tall Timber Trail. MOTION 04R-02-05 WAS MADE BY TERRY CURTIS AND SECONDED BY DEAN SWANSON TO APPROVE RESOLUTION NO. 05-06 APPROVING PARTIAL ROAD VACATION PETITION BY JON HINZE TO VACATE A PORTION OF TALL TIMBER TRAIL ADJACENT TO BLOCK 11 PROVIDED THAT A LEGAL DESCRIPTION IS PROVIDED, THAT A 10 FOOT EASEMENT BE GRANTED TO THE CITY AND THAT THE APPLICANT INCURS ALL COSTS INVOLVED IN THE VACATION. MOTION CARRIED WITH ALL AYES.

C. CONSENT CALENDAR - MOTION 04R-03-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR CONSISTING OF: (1.) MINUTES OF REGULAR COUNCIL MEETING OF MARCH 14, 2005; (2.) MINUTES OF CROSSLAKE COMMUNICATIONS BALANCE SHEET AND INVESTMENT/CASH SUMMARY DATED FEBRUARY 28, 2005; (3.) CITY MONTH END REVENUE REPORT DATED FEBRUARY 2005; (4.) CITY MONTH END EXPENDITURE REPORT DATED FEBRUARY 2005; (5.) LAKES STATE BANK PLEDGE REPORT DATED MARCH 2005; (6.) LAKEWOOD BANK PLEDGE REPORT DATED MARCH 2005; AND (7.) NORTHERN NATIONAL BANK PLEDGE REPORT DATED MARCH 2005. MOTION CARRIED WITH ALL AYES.

D. PUBLIC FORUM – Nothing

E. MAYOR'S REPORT – Mayor Andolshek read a proclamation on behalf of the American Legion Auxiliary, Veterans of Foreign Wars and the Veterans of Foreign Wars Auxiliary designating Friday and Saturday, May 13th and 14th as Poppy Days in the City of Crosslake. Mayor Andolshek read another proclamation designating May as Mental Health Awareness Month in the City of Crosslake. Darlene Back of the American Legion Auxiliary presented a poppy to Mayor Andolshek and thanked the community for their support of veterans and their families. Mayor Andolshek read a letter dated January 28, 2005 from Sheriff Eric Klang congratulating Chief Hartman on his valor and commitment to law enforcement in his work to apprehend a bank robbery suspect on December 22, 2004. Council Member Curtis expressed his appreciation for Chief Hartman's efforts in this situation having put himself in a dangerous situation. Council direction was solicited regarding the setting of a special meeting to discuss the Crosslake Demolition Debris Facility. Mayor Andolshek noted that the City has received complaints and the issue needs to be discussed at a special meeting. Council Member Phillips asked if, based on what has transpired, the MPCA should be present at the meeting. Phillips stated that he would like to address the issues in their entirety. City Administrator Swenson stated that Staff will post the meeting and invite representatives from the MPCA and Crow Wing County Solid Waste. Council Member Curtis stated that he would need background information in order to work through the process and would be agreeable to a separate meeting on the issue. There was discussion regarding whether the public would be allowed to speak and it was the consensus of the Council that the public could address the Council. City Administrator Swenson stated that a chronological history could be compiled and Council Member Phillips agreed this should be done. Council Member's Curtis and Swanson agreed that the issues in chronological order would be good and requested that the information be provided to the Council ahead of time for review prior to the meeting. Community Development Director Anderson will do the chronological history. The meeting was set for Thursday, April 21st at 2:00 P.M. Council Member Eggena left the Council table to inform the Council that he wished to abstain from any votes or action on this issue and was agreeable to an open agenda to discuss all items. An alternate date of April 26th was selected if the MPCA was unable to attend the April 21st meeting. MOTION 04R-04-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO SET THE SPECIAL COUNCIL MEETING FOR APRIL 21, 2005 AT 2:00 P.M. WITH AN ALTERNATE DATE OF APRIL 26, 2005 AT 2:00 P.M. MOTION CARRIED WITH COUNCIL MEMBER EGGENA ABSTAINING FROM THE VOTE.

F. CITY ADMINISTRATOR REPORT –

1. City Bills for Approval – A memo dated April 11, 2005 from Community Development Director Ken Anderson informed the Council of the current practice under Chapter 8 of the City Code where Planning and Zoning Commissioners receive a nominal compensation of \$25.00 per month for meetings they attend. For the first quarter of 2005, staff has also included in the approval of bills, payment to the alternate members since they have been visiting properties and participating in the Planning and Zoning Meetings to familiarize themselves with the process. It was noted that other government entities pay a per diem and the

Council requested the involvement of the City Attorney to check whether State Statute allows for this type of payment. MOTION 04R-05-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO DIRECT THE CITY ATTORNEY TO CHECK WHETHER PAYMENT FOR MEETINGS OR PER DIEM IS ACCEPTABLE UNDER STATE STATUTE PRIOR TO MAKING ANY PAYMENTS TO PLANNING AND ZONING COMMISSIONERS. MOTION CARRIED WITH ALL AYES.

MOTION 04R-06-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN SWANSON TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$58,769.80 AND \$8,077.55 WITH PAYMENT TO PLANNING AND ZONING MEMBERS AND ALTERNATES CONTINGENT UPON REVIEW BY THE CITY ATTORNEY. MOTION CARRIED WITH ALL AYES.

2. Crosslake Communications Bills for Approval – MOTION 04R-07-05 WAS MADE BY TERRY CURTIS AND SECONDED BY DEAN EGGENA TO APPROVE THE BILLS FOR PAYMENT FOR CROSSLAKE COMMUNICATIONS FOR THE PERIOD OF MARCH 1, 2005 THROUGH MARCH 31, 2005. MOTION CARRIED WITH ALL AYES.

3. Letter of Engagement dated March 21, 2005 from Tom Koop of Larson Allen – Mr. Koop addressed the Council and stated that the Letter of Engagement is an agreement between the City and Larson Allen regarding services that will be provided pertaining to the auditing and preparation of the City's Financial Statements. Larson Allen has agreed to work at a rate of \$100 per hour, a 20% reduction in their normal rate. It is anticipated that the conversion to GASB 34 Standards, as required by State Law for year ending 2004 for cities under 2500 in population, along with preparation of the financial report will involve approximately 60 – 100 hours beyond the 120 hours which was projected in the prior year to work on the 2003 audit. The conversion to GASB 34 is a one-time every extensive set up process which will result in considerably less cost in future years. It was noted that \$12,500 was budgeted in 2005 for the audit and pre-audit. MOTION 04R-08-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO AUTHRORIZE AN ADDITIONAL \$10,000 OVER AND ABOVE THE BUDGETED AMOUNT OF \$12,000 AND TO APPROVE THE LETTER OF ENGAGEMENT FROM LARSON ALLEN. Councilmember Eggena stated that in the past, the City operated with one CPA and with the City's budget over \$3 million dollars, the Council made a decision in 2004 to utilize one firm to prepare the financial reports and another firm to audit the financial reports to ensure that the public funds are designated in the correct area. MOTION CARRIED WITH ALL AYES.

4. A memo dated April 6, 2005 requested approval of a Capital Assets Policy in conjunction with GASB 34. This policy provides guidance in implementing the requirements of GASB 34 and establishes a threshold of \$2,500 as a minimum

amount for determining depreciable capital assets. Included with the policy is an Estimated Useful Lives Table which establishes the life of an asset for purposes of depreciation. MOTION 04R-09-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO APPROVE THE CAPITAL ASSETS POLICY AS PRESENTED INCLUDING APPENDIX A ESTIMATED USEFUL LIVES TABLE. MOTION CARRIED WITH ALL AYES.

5. Memo dated April 6, 2005 from Clerk Roach regarding Transient Merchant Park Permit – Mission of the Cross Lutheran Church has requested Council approval to hold flea markets on the Church property on seven various dates throughout 2005. The \$20 permit fee has been paid to the City. MOTION 04R-10-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO APPROVE THE TRANSIENT MERCHANT PARK PERMIT FOR MISSION OF THE CROSS LUTHERAN CHURCH. MOTION CARRIED WITH ALL AYES.
6. Memo dated April 6, 2005 from Clerk Roach contained a request from Rafferty's Pizza for a 3.2 On-Sale Non-Intoxicating Beer License – All necessary information required to apply for a 3.2 non-intoxicating license was received by the City from Mark Loschko of Rafferty's Pizza of Crosslake with the exception of verification of Worker's Compensation Insurance. Mr. Loschko addressed the Council and stated that he is opening a family pizza restaurant in Town Square. MOTION 04R-11-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE ISSUANCE OF A 3.2 NON-INTOXICATING LICENSE FOR RAFFERTY'S OF CROSSLAKE CONTINGENT UPON SUBMISSION OF PROOF OF WORKERS COMPENSATION INSURANCE. MOTION CARRIED WITH COUNCIL MEMBER CURTIS ABSTAINING FROM THE VOTE.
7. Memo and Resolution dated April 6, 2005 from Clerk Roach regarding charitable gambling at Maucieri's Restaruant – Central Lakes Youth Hockey Association and Crosslake Ideal Lions have submitted applications requesting Council approval to conduct charitable gambling at Maucieri's Restaurant. MOTION 04R-12-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO APPROVE THE CHARTIABLE GAMBLING ACTIVITY AT MAUCIERI'S RESTAURANT FOR THE CENTRAL LAKES YOUTH HOCKEY ASSOCIATION AND CROSSLAKE IDEAL LIONS CLUB. MOTION CARRIED WITH ALL AYES.
8. Letter dated March 11, 2005 from the Crow Wing County Auditor's Office regarding final taxes payable 2005 City Levy and Rates was included for Council information.
9. A letter dated March 23, 2005 from Crow Wing County Auditor and Crow Wing County Land Commissioner included a copy of a check in the amount of \$1,729.61 which was received as tax forfeit proceeds due to the sale of timber within the City of Crosslake.

10. A letter dated April 1, 2005 from the League of Minnesota Cities regarding a State of the Cities Report 2005 was included for Council information.
11. A copy of the quarterly newsletter of the Paul Bunyan Scenic Byway Association was included for Council information.
12. A copy of the Region Five Development Commission newsletter dated April 2005 was included for Council information.
13. The BLADC Member Newsletter dated March 2005 was included for Council information.

G. COMMISSION REPORTS –

1. ECONOMIC DEVELOPMENT AUTHORITY –

- a. A letter received March 15, 2005 from Ms. Marguerite Stelzig regarding the proposed Assisted Living Complex was included for Council information.
- b. A memo dated April 7, 2005 from the EDA included a motion recommending to the City Council that C&J Development be allowed to pursue tax increment financing for a proposed 26 unit assisted living facility project through the preliminary stage to determine possible financing participation for the project based on pay-as-you-go tax increment financing; that the developer provide \$5,000 in escrow to cover preliminary costs for consultant and legal fees and that the developer be required to reimburse the City for all costs exceeding the \$5,000. Also included for Council information was a letter from Sheila Haverkamp and Amy Collins of BLADC. Sheila Haverkamp addressed the Council and stated that BLADC has been working with C&J Development and if the Council is supportive of granting TIF for this project, BLADC would become involved in greater depth by working with the City and Developer to achieve this endeavor. Two sites have been identified as possible locations for the facility and a third site became available recently along East Shore Boulevard where municipal sewer is available. City Administrator Swenson commented that the City would work with their consultants, Ehlers & Associates and Briggs & Morgan should the Council determine that a pay-as-you-go project would be a consideration of the Council. It was noted that each of the current TIF Districts are pay-as-you-go districts. City Administrator Swenson stated that this alleviates any liability on the part of the City. Council Member Curtis asked if going forward meant the Council would review whether TIF was an option and Sheila Haverkamp stated that the financial analysis will identify if the project meets the “but-for” test. Mayor Andolshek asked if \$5000 would cover the costs or whether a larger amount should be requested of the developer. City Administrator Swenson suggested a higher amount and if there is any amount remaining it would be returned to the developer. Chuck Lane of C&J Development addressed the Council and stated that he would need TIF to proceed with the project. Kent Marthuler, who is also involved in the project, was also present at the meeting. Council Member Eggena stated that he would be in favor of pay-as-you-go and would like to see the project in an area which would be connected to municipal sewer.

MOTION 04R-13-05 WAS MADE BY DEAN SWANSON AND SECONDED BY JAY ANDOLSHEK TO RECOMMEND THAT THE CITY COUNCIL GO FORWARD WITH THE TIF ANALYSIS WITH THE DEVELOPER SUBMITTING \$7000 AS AN ESCROW AMOUNT.

Councilmember Eggena stated that if the City spends \$7,000 TIF will go forward. City Administrator Swenson stated that the City Council will be required to come to a finding of fact that "but-for TIF", this project wouldn't happen. MOTION CARRIED WITH ALL EYES.

- c. The minutes of the March 2, 2005 EDA Meeting were included for Council information.

2. PUBLIC SAFETY - In the absence of Chief Hartman who was attending the Chief's Conference in St. Cloud, Sergeant Erik Lee reported 109 calls in Crosslake and 40 calls in Mission Township in March. A memo dated April 11th from Chief Hartman requested approval to enter into an agreement with the Crow Wing County Sheriff's Department for Inter-City Emergency Mutual Assistance. MOTION 04R-14-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO APPROVE THE JOINT POWERS AGREEMENT FOR INTER-CITY EMERGENCY MUTUAL ASSISTANCE BETWEEN THE CITY OF CROSSLAKE, THE CROSSLAKE POLICE DEPARTMENT AND CROW WING COUNTY SHERIFF'S DEPARTMENT. MOTION CARRIED WITH ALL EYES.

The Fire Department reported four medical and three fire calls in March.

3. Gary Pearson, Regional Manager for North Ambulance, addressed the Council and distributed the 2004 year-end summary of calls responded to by North Ambulance. Mr. Pearson noted that calls have more than doubled since 1995. He stated that paramedic staff is on hand 99% of the time in Crosslake. A helicopter is stationed in Brainerd and this region is the highest user of air service.

4. PARK AND RECREATION –

- a. Park and Recreation Director Jon Henke presented a recap of activities underway at the Community Center and Park. The morning walkers and talkers use the gym each weekday morning from 8:00 to 9:00 A.M. for walking. The third aerobic session of 2005 will begin on April 25th and continue through June 2nd with the exception of May 30th when Memorial Day is observed. The cost for a membership in the class is \$36.00 and the cost to contract with Donna Keiffer to provide this aerobic instruction is \$374.68. Council approval was requested for this session. MOTION 04R-15-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO APPROVE CONTRACTING WITH DONNA KEIFFER TO PROVIDE AEROBIC INSTRUCTION FROM APRIL 25TH TO JUNE 2ND AT A COST OF \$374.68. MOTION CARRIED WITH ALL EYES. AAA is sponsoring another senior driving class Thursday, April 14th from 9:00 to 1:00 P.M. This is a four-hour refresher course. Yoga is offered two days a week on Monday evenings at 5:15 P.M. and on Wednesday mornings at

10:00 A.M. The Community Center offers adult volleyball every Wednesday night from 6:30 – 8:45 P.M. The AARP Tax Help program has started and will run through April 13th with sessions held on Tuesday and Wednesday afternoons. The Safety Fair will be held on Saturday, April 23, 2005. Crosslake Communications has joined forces with the Park and Recreation Department, Police Department, Fire Department, Sheriff's Department, DNR, North Ambulance, Whitefish Area Lions, Crosslake/Ideal Lions, WAPOA and SADD to bring this event to Crosslake. This event will consist of seminars and displays along with activities for children. There will be free blood pressure checks, the Fire Department "Safe House" and many speakers covering a variety of topics. Park Director Henke provided a 2004 Year End Report which showed over 25,000 registered users participating in park activities in 2004. The report also highlighted various improvements that were completed at the Park and the number of donations provided by various individuals and groups supporting the Park's efforts. A request to order 1500 trees for planting in May at a cost of \$340 was presented for Council approval. MOTION 04R-16-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN SWANSON TO APPROVE AN EXPENDITURE NOT TO EXCEED \$340 FOR TREES FOR THE PARK DEPARTMENT. MOTION CARRIED WITH ALL AYES. A clarification in the year-end report regarding moving senior meals from the American Legion to the Community Center was addressed by Henke. Until such time as the Legion determines they are no longer interested in providing this service, the Park Department will no longer pursue moving it to the Community Center. The Park Advisory Commission and Library Committee would like the Council to set a date for a joint meeting to get the Council's thoughts on legislative issues and to review drawings that the Committee has been working on regarding the addition to the Community Center. The special meeting was set for April 26th at 2:00 P.M. The minutes of the January 23, 2005 Park Commission Meeting were included for Council information.

5. LIBRARY – Chair Alden Hardwick addressed the Council and stated that the recent newsletter article has resulted in good response back to the Library Committee. People have been coming forward volunteering to work on books and more volunteers are needed. The Committee is asking for donated books which will be stored at a building on the Park property. This will allow the volunteers to work without interfering with the Park activities. All hard cover books in good condition will be saved for the library and all paperbacks and ragged books will be sold at an upcoming book sale. A luncheon fundraiser is scheduled for June 7th at Manhattan Beach Lodge with a \$20.00 charge of which \$10.00 will go towards the meal and \$10.00 towards the library fund. Alden Hardwick contacted the State and one million dollars has been left in the bonding bill for library's which still requires the signature of the Governor. Council Member Curtis suggested approaching the Initiative Foundation. Hardwick informed the Council that when they are ready to submit grant applications, the Council will be approached for approval.

At 8:50 P.M., a short break was taken and the meeting resumed at 9:00 P.M.

6. **PLANNING AND ZONING** – Community Development Director Ken Anderson informed the public of a meeting being held at 9:00 A.M. on Sunday, April 17th at the Crosslake Presbyterian Church. Phil Hunsicker, Chairman of the Lakes Region Program Director for 100 Friends of Minnesota, will present the groups efforts in preserving private landowners property. On April 24th, Karl Samp will give a talk on Sustainable Community Development.
 - a. The minutes of the February 25, 2005 Meeting of the Planning and Zoning Commission/Board of Adjustment were included for Council information.
 - b. The Permit Summary for March 2005 was included for Council information.
 - c. A letter dated March 30, 2005 from City Attorney Kirk Adams regarding City Inspection/Trespass Issue was included for Council information. Anderson noted that periodically Staff has to go on property to follow up on complaints. In one such situation Anderson was approached by an employee and asked to leave and there were questions on the part of Staff as to whether they had the authority to be on the property. Council Member Curtis asked if this was requested relative to a permit application and Anderson stated that Staff is often required to go on property where things are not in compliance. It was noted that if the property owner requests that the City employee leave the property, the employee should do so and if necessary obtain an administrative search warrant, which is readily obtained, before again accessing the property. City Attorney Adams noted that case law has proven that City employees do have the authority to enter the property, however access into a building would require a search warrant. The City Attorney advised the Staff that if they expect a problem they should obtain an administrative search warrant ahead of time. Council Member Curtis asked the City Attorney if a Staff person was acting on a complaint or a telephone call would they have the permission to enter on private property without the administrative warrant. City Attorney Adams stated that they wouldn't have permission but would have the authority to enter onto the property. This authority is not in statute but it is in common law and case law and as Planning and Zoning officials they have the authority to enter onto property in the course of their duties. If there is a fence or building that causes the property to be inaccessible they must obtain consent before going on the property, but open space, front yard and etc. is okay unless they are asked to leave. If they go into a building, the administrative search warrant should be obtained ahead of going to the property to prevent the potential destruction of evidence prior to the official's access to the property. Council Member Curtis asked if a property owner could invoke their rights by signage and City Attorney Adams stated this is not clear but would probably not be an adequate means since these types of signs typically apply to the general public. Curtis asked if writing a letter to the City would be a means of accomplishing this and Adams stated

the property owner could do that. Council Member Curtis stated that he would like to see this addressed at a later meeting as it relates to policy and ordinance. It would be good to have a clear understanding as to what we should and shouldn't do. It would also be good for the public to understand that if they are interested in protecting their private property and owner's rights what are the necessary avenues to do that. One of the avenues would be for the property owner to send a letter to the City stating and invoking the consent putting it on file with their parcel number. Also, as a matter of policy, Curtis felt a discussion should be held on complaints and whether they are warranted or anonymous complaints. The City has to have the ability to do their job while still protecting the property owner's rights. Community Development Director Anderson stated that he too has concerns for his Staff in light of recent incidents.

- d. A letter dated March 24, 2005 from Carie Fuhrman contained a formal notice of resignation from the City effective April 7, 2005. Community Development Director Anderson requested acceptance of the resignation and approval and authorization to advertise to fill the position. MOTION 04R-17-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO ACCEPT THE RESIGNATION OF CARIE FUHRMAN AND TO AUTHORIZE HIRING FOR A REPLACEMENT TO FILL HER POSITION. MOTION CARRIED WITH ALL AYES. Mayor Andolshek inquired of the Council whether they wanted to discuss plans to allow Ken Anderson and Tom Swenson to screen candidates based on credentials with a final list forwarded to the Personnel Committee to interview. Council Member Curtis asked if there is a method to look at salary and structures and Council Member Phillips stated it is a union position with a set wage structure with a requirement to follow the State Comparable Worth Job Match Requirements. Council Member Eggena stated that he'd like to encourage local people to apply and maybe they don't have all the credentials but for all of us it's a learning experience.
- e. Council Member Eggena requested that the owners of the Dairy Queen be allowed to address the City Council regarding their request to add an 80 square foot freezer addition on the site of the Dairy Queen without submittal of a Certificate of Survey as required in the ordinance. Randy Maxfield stated that he wishes to add a slab on his property to install a freezer and objected to providing a Certificate of Survey as required for commercial property. The Maxfield's approached Council Member Eggena for input regarding this situation resulting in the item being placed on the agenda for Council review. Community Development Director Anderson stated that the Planning and Zoning Commission has reviewed these types of situations in the past and it is their feeling that survey's should be required. Anderson further stated that there is some question as to the side yard setback and he does not feel he has the latitude to make a decision regarding whether a survey is necessary. Anderson stated that there are two basic approaches to this request of the Maxfield's. First, they may request that the Ordinance be amended by them or the Council to delete the requirement for submittal of a

Certificate of Survey for commercial applications/permits. Secondly, the Maxfield's may appeal the decision of the Zoning Administrator requiring the Survey in which case the Board of Adjustment would hear the appeal. Mr. Maxfield addressed the Council and stated that he does not feel that the freezer is a commercial addition and should be considered like an accessory structure, such as a shed. He stated that his business needs space and it doesn't make sense to him that he spends as much for the survey as he is spending on the freezer. Council Member Phillips stated that if he is not installing the freezer within 10 feet of the property line, it would be ridiculous to require a Certificate of Survey for no good apparent reason. Council Member Swanson stated that the requirement for a survey was put in the Ordinance for a reason. Council Member Curtis stated that anytime you're evaluating a site the discussion regarding whether a survey is required or not is discussed. Curtis stated that it seems logical that there are applications that you'd want to see a survey and times when the Council should be able to waive the survey requirement. Council Member Swanson asked why this application did not go to the Planning and Zoning Commission before coming to the Council. He stated that the Council reviewed a situation last week where the decision was made that they had to go to the Commission first. Council Member Curtis stated that conversations have been held where if the pins are not clearly marked, surveys should be required. Community Development Director Anderson explained situations where a site plan may suffice but where there are property line considerations, surveys should be required. Council Member Eggena stated that when he became liaison to Planning and Zoning, Certificates of Surveys were required for all residential properties requiring variances and for all commercial properties. If you encroached and wanted to add on, you needed a Certificate of Survey, however while the Commission did address residential properties, they did not address the commercial properties and he thinks the Ordinance needs to have changes made to it to not always require a survey. Eggena stated that the Ordinance is so restraining that a property owner cannot add a cooler without a survey thus the need to bring the issue before the Council as a matter of common sense. Council Member Swanson disagreed and stated that the City has an Ordinance in place and the issue has not gone before the Planning and Zoning Commission. He stated that the process is just as important. Discussion ensued regarding the process. Mayor Andolshek wondered how can we expect the Zoning Administrator to handle these items when we say someone can get away without the requirement for a survey. How can the Council say use discretion? Someone will make a mistake and get called on it for doing so. Council Member Eggena referred to the recent situation with Andy's and stated that flexibility is needed. In this case the entire property does not need to be surveyed, the City only needs to determine if the overhang is extending out into the County right-of-way. Mayor Andolshek stated that the Ordinance does not allow Planning and Zoning any wiggle room. Council Member Curtis stated that he doesn't have any objection

with citizens coming directly to the Council. The Council has the option to direct the issue back to the Planning and Zoning Commission. Community Development Director Anderson stated that there are some concerns with the property owned by the Maxfield's. He stated that the City Engineer would agree that the site plan drawing submitted by the Maxfield's is not an accurate drawing and if he were the property owner to the North of the Dairy Queen, he would question whether the 10 foot requirement could be met. Playing devil's advocate, the property owner to the north may not want the adjacent neighbor going any closer to the property line without an adequate survey. Mr. Maxfield commented that impervious coverage was not an issue until he wanted to put the freezer on top of the slab. Anderson stated that he always tries to interpret the ordinance to the benefit of the property owner. There is some question regarding what is considered a structure in the Ordinance which was read by Anderson. The question to determine would be "is the freezer to be considered the same as a structure". Anderson noted that the freezer will be attached to the structure and did not see where the Ordinance would allow for an exception. MOTION 04R-18-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO WAIVE THE REQUIREMENT FOR A CERTIFICATE OF SURVEY FOR THE DAIRY QUEEN FOR A COOLER. Councilmember Swanson told the Council that approval of the motion would set a precedent that may come back and haunt the Council. Mayor Andolshek questioned whether the Council can even waive an Ordinance. Council Member Eggena commented that if someone wants to challenge the decision in court, we can go that route. The Mayor asked the City Attorney if the Council was within bounds by waiving an ordinance. City Attorney Adams stated that it can be done but he wouldn't recommend it for the exact reason that it can be challenged in court and as long as you make the decision that it can be challenged that you provide proper and specific findings to provide the best possible defense and including that the decision wasn't arbitrary. Adams suggested the motion be amended to defend the Council's decision. MOTION AMENDED THAT BASED ON THE COOLER NOT BEING CONSIDERED A BUILDING BUT TREATED LIKE AN AIR CONDITIONER NOT SUBJECT TO A SURVEY OR IMPERVIOUS COVERAGE REQUIREMENTS. Curtis stated his basis would be that in a small community you use discretion and common sense with your neighbors. Mayor Andolshek expressed concern that he doesn't know how we're going to interpret future conditions and structures if this motion passes. There was discussion regarding the need for an ordinance change as it pertains to identification regarding what is considered a structure. Councilmember Swanson stated that the process has not been followed, there has been no public hearing, it has not been reviewed by the Planning and Zoning Commission, so how can the Council approve outside the process. Swanson stated that this is going to come back to haunt us and asked that the Council go through the proper process for changing an ordinance. MOTION CARRIED 3-2 WITH PHILLIPS, CURTIS AND

EGGENA VOTING AYE AND SWANSON AND ANDOLSHEK VOTING NAY. In light of this discussion, Council Member Phillips requested that an ordinance amendment be pursued. MOTION 04R-19-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS THAT IN LIGHT OF THE LAST TWO ISSUES REVIEWED BY THE CITY COUNCIL, THAT THE COUNCIL REQUEST PLANNING AND ZONING TO REVIEW THE ORDINANCE TO SAVE UNNECESSARY MONEY BEING SPENT ON SURVEY'S. MOTION CARRIED WITH PHILLIPS, CURTIS AND EGGENA VOTING AYE AND SWANSON AND ANDOLSHEK VOTING NAY.

- f. Memo dated April 8, 2005 from Ken Anderson regarding proposed rezoning and platting of Knutson property in shoreland area – In June of 2004, a motion was approved by the City Council to direct the Planning and Zoning Commission to consider a rezoning of Red Knutson's property to R-4 on Egret Road and R-4 on the lots east of this intersection. When Staff began working on this issue, it was discovered that the subject property is within the shoreland area of two different lakes. McClain Lake, a natural environment lake to the NE and Cross Lake, a general development lake, to the West. The minimum lot area for nonriparian (off lake) lots on each lake is 80,000 square feet for McLain and 40,000 square feet for Cross Lake. The DNR has allowed that the topographic divide can be used to distinguish which lake classification standards apply with a property that falls within the shoreland area of two different lake classifications. Based on this, the Council direction to proceed with 20,000 square foot lots would be less than the minimums specified in the shoreland guidelines. Staff has spoken with Betty Knutson and Irene Schultz regarding this issue. Upon review of the situation with the City Attorney, he has requested additional time to review the legal issues so that the Council can make an informed decision. Jared Lease, representing Betty Knutson, addressed the Council and stated that Mr. Knutson had an agreement when he entered into an easement with the City and Mrs. Knutson is looking for a resolution to this agreement. Council Member Eggena stated that the City has a bigger issue in that the City, according to the DNR, has done the zoning incorrectly from inception of zoning ordinances in 1972 to present. Mr. Morreim, not the St. Paul Office of the DNR, is telling the City that the lake tier lots must be 20,000 square feet, that the second tier lots must be 40,000 square feet and in the shoreland area the lots must consist of 80,000 square feet. The property behind us in Old Log Landing, as an example, has then been platted incorrectly. So now Big Brother DNR is telling us we're doing it wrong even though for 33 years they have been looking at our plats, which have resulted in over 5,000 lots and parcels within the City. City Attorney Adams stated that he would like to contact Paul Reuvers, Attorney for the League of Minnesota Cities who would ultimately handle the defense if the issue is challenged by the DNR. Council Member Eggena stated that he would like to hear what a judge would have to say about this so agreed to doing the legal research of "DNR versus City" to see if there is a challenge to the DNR's position.

Community Development Director Anderson clarified that while the letter was sent by Mr. Morreim it was reviewed by the St. Paul office of the DNR. Council Member Swanson stated that there was a unanimous decision two meetings ago in regards to the Lobo Properties and wondered if the Council is changing positions. Mayor Andolshek stated that Crosslake does have a special circumstance with the number of lakes, but if the Council starts circumventing the Shoreland Act he's not sure where that would go. It was the consensus of the Council to direct the City Attorney to review the law and present the findings at the next meeting.

- g. Memo dated April 7, 2005 from the Planning and Zoning Commission recommended approval of an ordinance amendment related to metal siding and metal-sided buildings in the R-3, Residential Medium Density and Waterfront Commercial Zoning Districts and Architectural/Appearance Standards for Residential Principal and Accessory Structures. A public hearing was held on March 25th by the Planning and Zoning Commission. It was observed that the commercial section of the proposed ordinance amendment was missing from the information provided to the Council so the issue was deferred to the next Regular Meeting in May.
- h. Memo dated April 7, 2005 from Planning and Zoning Commission regarding recommendation for Ordinance Amendment 2005-003 related to approval deadline for metes and bounds subdivisions for the City of Crosslake – A public hearing was held on March 25, 2005 regarding this issue and the Commission recommends Council approval on this Ordinance Amendment. The amendment will require that the subdivider provide 13 copies of the proposal to the Zoning Administrator no less than 30 days prior to the meeting including a current title opinion or title insurance commitment. Also included in the amendment is a stipulation that the required park dedication fees be paid to the City along with a signed and notarized deed incorporating the legal description from the Certificate of Survey within 90 days of approval. MOTION 04R-20-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY TERRY CURTIS TO APPROVE ORDINANCE AMENDMENT NO. 206 AMENDING CITY CODE CHAPTER 3 RELATING TO APPROVAL DEADLINE FOR METES AND BOUNDS SUBDIVISIONS AND TO PUBLISH A SUMMARY OF SAID ORDINANCE AMENDMENT. Council Member Eggena stated that he has a problem with the 90 days in that during the winter months this may not be enough time. Ken Anderson stated that the City requires a Certificate of Survey at the time of application which can be extended by a resolution of the City Council. Anderson stated that with the turn over of help in the Department, his Staff wouldn't be aware of outstanding approvals and the value of the park dedication could change significantly over a period of time. MOTION CARRIED WITH COUNCILMEMBER EGGENA VOTING NAY.
- i. Memo dated April 7, 2005 from Planning and Zoning Commission regarding Recommendation for Park Dedication – The Planning and Zoning Commission held a public hearing on March 25, 2005 and recommends

approval of an ordinance amendment which would clarify the language in the ordinance that a park dedication fee shall not be charged to the remnant parcel or lot when cash in lieu of land is selected by the City Council for a subdivision application. The ordinance amendment also incorporates some "gender neutral" language revisions. MOTION 04R-21-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO APPROVE ORDINANCE AMENDMENT NO. 207 AMENDING CHAPTERS 3 AND 8 OF THE CITY CODE REGARDING PARK DEDICATION AND TO PUBLISH A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES.

- j. Memo dated April 7, 2005 from the Planning and Zoning Commission recommended an ordinance amendment dealing with entrance gates and driveway markers. A public hearing was held on March 25th by the Planning and Zoning Commission and a motion was approved recommending Council approval on the proposed Ordinance amendment. The amendment incorporates language into the ordinance dealing with entrance gates, markers and monuments and incorporates setbacks, height and width standards. The City Attorney recommended incorporating language into the Ordinance Amendment dealing with a permit fee of \$75 until such time as the fee is included in the fee schedule. The City Engineer recommended a 20' minimum width but the proposed Ordinance specifies a 14' minimum. Council Member Curtis asked what the process would be for emergency vehicles when the property is gated. Anderson stated that the Ordinance addresses this in Section G. where it states that any gate that is used to block or deny access to the property is so constructed at the sole risk of the property owner should public safety vehicles or other service vehicles be prohibited or delayed access to the site. Councilmember Eggena inquired about driveway width and what happens if you can get through the gate but can't get down the driveway. Eggena stated this Ordinance Amendment was ridiculous. Mayor Andolshek asked what transpired that caused Staff to look at this and Anderson stated that Staff has received requests regarding what is permissible and there is nothing in the Ordinance to direct Staff to give property owners an answer. Discussion ensued regarding whether reasonable standards need to be included in the ordinance and whether the Staff needed to look at a fence ordinance. Council Member Curtis stated that he would not be in favor of further regulations. Sergeant Lee addressed the Council and stated that the Police Department would cut down whatever was in the way if someone's life was in danger to the extent of breaking down doors if necessary. MOTION 04R-22-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO DENY ORDINANCE AMENDMENT NO. 2005-006 REGARDING ENTRANCE GATES/MARKERS/MONUMENTS. MOTION CARRIED WITH PHILLIPS, CURTIS AND EGGENA VOTING AYE AND SWANSON AND ANDOLSHEK VOTING NAY.
- k. A memo dated April 11, 2005 from the Park and Recreation Commission and Planning and Zoning Commission recommended that the Council accept

cash in lieu of land for Metes and Bounds Subdivision 2005-001 for David Olson. MOTION 04R-23-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO ACCEPT \$795 IN PARK DEDICATION FEES IN LIEU OF LAND FOR METES AND BOUNDS SUBDIVISION 2005-001 FOR DAVID OLSON. MOTION CARRIED WITH ALL AYES.

1. A memo dated April 11, 2005 from the Park and Recreation Commission and Planning and Zoning Commission recommended that the Council accept cash in lieu of land for Metes and Bounds Subdivision 2005-003 in the amount of \$3,793.33 for Anthony Fraser. MOTION 04R-24-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO ACCEPT \$3,793.33 IN PARK DEDICATION FEES IN LIEU OF LAND FOR SUBDIVISION 2005-004 FOR ANTHONY FRASER. MOTION CARRIED WITH ALL AYES.
- m. A meeting to review the Comprehensive Plan and Urban Road Standards was set for Thursday, April 28th at 2:00 P.M. in the Council Chambers.

7. PUBLIC WORKS/CEMETERY/SEWER

- a. It was noted that Ted Strand left the meeting earlier in the evening due to illness.
- b. An update on the 2004 Road Projects was presented by City Engineer Dave Reese. Reese stated that he has contacted the contractor regarding the need to clean-up the ditches and get turf established to prevent run-off into the ditches. A lot of the silt flowed into the ditches before the turf was established causing the ditches to become plugged. A meeting was held with representatives from the Presbyterian Church Building Committee resulting in very positive results. A survey crew is scheduled for Wednesday, April 13th to determine if a pipe can be installed for run off and overflow for the church parking lot. City Administrator Swenson asked if elevations would be run in the ditch along Trail Head Road when they are in the area. Council Member Eggena stated that he would like to look at a way to get rid of water with culverts. Reese stated that they could look at retention area.
- c. A letter dated April 6, 2005 to Bill Reed, Jim Cotton and Darrell Thomas from City Engineer Dave Reese was copied to the Council as an information item. Reese stated that the contractor is gearing up to get the work completed on Pioneer Drive.
- d. A memo dated April 7, 2005 from the Public Works Director contained a request for approval to order road salt under the state bid. Strand is recommending that he be allowed to order 100 tons of road salt. MOTION 04R-25-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE PUBLIC WORKS DIRECTOR PURCHASING 100 TONS OF ROAD SALT UNDER THE STATE CONTRACT. MOTION CARRIED WITH ALL AYES. During the budget process, \$4,000 was included for placing calcium chloride on all remaining gravel roads maintained by the City. A quote was received from DCI in

conjunction with Breezy Point for applying calcium chloride at a cost of \$2,376 per mile. Since the City has 11,400 feet of City maintained gravel roads, the cost would be \$5,130. Direction from the Council was requested. Council Member Eggena stated that adding calcium chloride holds the material in place requiring less grading. Discussion ensued as to whether Fawn Lake Road and Greer Lake Road should be included since they are under discussion for blacktopping. MOTION 04R-26-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO AUTHORIZE THE ADDITIONAL \$1130 TO ADD CALCIUM CHLORIDE TO ALL THE CITY MAINTAINED GRAVEL ROADS. Council Member Phillips questioned the accuracy of the footage. MOTION CARRIED WITH CURTIS, ANDOLSHEK AND EGGENA VOTING AYE AND PHILLIPS AND SWANSON VOTING NAY. A quotation was received from Linescape Linestriping to stripe various roads and parking lots within the City. Discussion ensued regarding what the city policy was in regards to striping and what determines which roads are striped. MOTION 04R-27-05 WAS MADE BY DEAN SWANSON AND SECONDED BY JAY ANDOLSHEK TO APPROVE STRIPING MANHATTAN ROAD, SWANN DRIVE AND WEST SHORE DRIVE. Discussion ensued regarding why West Shore Drive should be striped and it was recommended by Public Works Director Strand that this would provide valuable input regarding the future width of the road if vehicles are required to drive on their half of the road. Council Member Curtis stated that spending \$3,800 would not be money well spent and Swanson felt that striping West Shore Drive would be money well spent. MOTION FAILED WITH SWANSON AND ANDOLSHEK VOTING AYE AND CURTIS, EGGENA AND PHILLIPS VOTING NAY.

MOTION 04R-28-05 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY DEAN SWANSON TO STRIPE PARKING LOTS, MANHATTAN ROAD AND SWANN DRIVE. MOTION FAILED WITH EGGENA, PHILLIPS AND CURTIS VOTING NAY AND SWANSON AND ANDOLSHEK VOTING AYE.

A quote was received from Anderson Brothers for routing and crack-filling City roads. Two options were presented for Council review. Option 1 would include all bituminous roads east of #3 and #66 plus any new bituminous from the sewer project along with Gordon Circle and Dancing Bear Road. Option 2 includes all bituminous roads on Anchor Point and Manhattan Point. Only one firm is being recommended due to problems that have been experienced by contractors out of the area. The cost for both options would be \$47,380, which is under the bidding requirements. MOTION 04R-29-05 WAS MADE BY DEAN EGGENA AND SECONDED BY JAY ANDOLSHEK TO AUTHORIZE ANDERSON BROTHERS TO DO ROUTING AND CRACKFILLING FOR OPTION 1 AND OPTION 2 AT A COST NOT TO EXCEED \$47,380.

Councilmember Phillips didn't think that it is good business practice to only take quotes from one contractor. Councilmember Curtis abstained from any conversation regarding this issue due to his employment with Anderson Brothers. City Administrator Swenson stated that with the results the City has experienced with the last two contractors, a job this big requires a reputable company. MOTION CARRIED WITH CURTIS ABSTAINING FROM THE VOTE.

- e. A letter dated April 6, 2005 from WSN contained quotations from six well drillers for work required by the Minnesota Department of Health in their letter copied to the City dated March 7, 2005. The Department of Health has indicated that the isolation distance between some of the private wells and the sewer lines require the drilling of new wells. All of the quotes received range between \$4,000 - \$4,500 per well, however WSN is recommending that the City also consider the experience of the well driller for this area and the cost per depth. It is the recommendation of WSN that Lambert Water Wells be authorized to do the work. WSN recommended Traut Wells as a second option. At this time, it has been determined that three locations require new wells, however the Department of Health has requested that other locations be measured for depth and after review, the Department could issue stipulation agreements for the existing wells. MOTION 04R-30-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO AUTHORIZE LAMBERT WATER WELLS TO BE THE WELL DRILLER FOR THE CITY WELLS FOR THE SEWER PROJECT. Mayor Andolshek asked if WSN needed the City's authorization to proceed and it was noted that the deadline for completion is May 30th. MOTION CARRIED WITH ALL AYES.

MOTION 04R-31-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO PROCEED WITH THE DRILLING OF THREE WELLS. MOTION WITHDRAWN.

MOTION 04R-32-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO AUTHORIZE WSN TO DEAL WITH ALL WELLS USING LAMBERT WATER WELLS AS THE WELL DRILLER. City Administrator Swenson stated some property owners may be willing to sign stipulation agreements that the Council can approve. MOTION CARRIED WITH ALL AYES.

A letter dated March 29, 2005 from WSN regarding the Sanitary Sewer Easement and Record Drawing for the Dairy Queen property was discussed. During the preliminary routing of sewer alignments and easement acquisitions for this area, there were several routes reviewed by the Sewer Committee and the residents as to the location of the sewer line. After at least four revisions of legal descriptions to redefine the easement location and address property owner's concerns, a legal description was agreed upon and the sewer line was constructed in the center of the property line. This

conclusion was reached after numerous conversations with the owners of the Dairy Queen and Mr. Orval Nelson, the property owner to the south of the Dairy Queen. The unregistered Dairy Queen property well, which was brought to the attention of WSN by City Staff, will require notification to the Department of Health since it is located approximately 10 to 12 feet from the sewer main/property line. This well was not identified by the observer during the installation of sewer lines and appears to serve the mobile home and pizza shop located just south of the Dairy Queen Building. WSN has suggested that if the property owner has two wells it would be good to determine which units each well actually serves and what their intentions are before replacing the one that WSN reviewed onsite. After reviewing the 50 foot isolation distance from the well next to the deck, the other location routes reviewed would still have been within the well isolation zone. It is very likely that after notification to the Department of Health, a Notice of Violation will be issued with the standard directives to either seal and relocate the well or relocate the sewer. This information was provided for Council information. *Mayor Andolshek asked if this situation could be included in the previously approved motion and Councilmember Eggena indicated that "yes" he wished to have this well included with the other wells referenced in the previous motion.*

A letter dated April 7, 2005 from Public Works Director Ted Strand requested approval to pave the area from the existing bituminous to the clarifier/filter building and over to the sludge storage tank at a cost of \$9,210 and the driveway approach to the lift station at a cost of \$760. MOTION 04R-33-05 WAS MADE BY DEAN SWANSON AND SECONDED BY JAY ANDOLSHEK TO APPROVE PAVING THE TWO AREAS AS RECOMMENDED BY THE PUBLIC WORKS DIRECTOR AT A COST OF \$9,970. MOTION FAILED WITH SWANSON AND ANDOLSHEK VOTING AYE, PHILLIPS AND EGGENA VOTING NAY AND CURTIS ABSTAINING FROM THE VOTE. It was agreed that the City Engineer should look at the area of the clarifier building to determine if pavement will correct the problem of sand clogging the filters.

An estimate from Minnesota Spray Foam Insulation was received to insulate the walls of the clarifier building. Another quote was received from Build All Installed Insulation to insulate the ceiling of the building to prevent problems with freeze up in the clarifiers. During the past winter, stock tank heaters were used to warm the water in the clarifiers. The cost to have these two portions of the building insulated is \$8,979.16. MOTION 04R-34-05 WAS MADE BY DEAN SWANSON AND SECONDED BY JAY ANDOLSHEK TO APPROVE THE HIRING OF MINNESOTA SPRAY FOAM AND BUILD ALL INSTALLED INSULATION AT A TOTAL COST OF \$8979.16 TO INSULATE THE CLARIFIER BUILDING. City Engineer Mark Hallan stated that the flows are less than 10,000 gallons per day which is not enough flow to generate heat to keep the water from freezing. Hallan stated flows in the area of 80,000 gallons per day would

generate enough heat to prevent the water from freezing. MOTION CARRIED WITH PHILLIPS, SWANSON, ANDOLSHEK AND EGGENA VOTING AYE AND CURTIS VOTING NAY. Council Member Eggena suggested looking at running wiring in the walls prior to closing them up with insulation.

Approval to purchase a used vacuum unit was requested by Public Works Director Ted Strand. A quote was received from Flexible Pipe Tool Company for a 1998 Versa Vac 1000PD Trailer Mounted Vacuum Unit in the amount of \$42,600. This unit is in very good condition and would last for many years. New units sell for approximately \$80,000. The unit would be used to suck sand and debris from both sanitary and storm sewer manholes and catch basins. The unit has a 280 GPM trash pump which could also be utilized for pumping flooded areas during major storm events or during spring thaws. Council Member Phillips asked if this was a budgeted item and he was told that it was budgeted in the Sewer Fund. Discussion ensued regarding the frequency of cleaning manholes, renting the unit to other municipalities and rental of a unit as needed. MOTION 04R-35-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY JAY ANDOLSHEK TO TABLE TO THE APRIL 21ST MEETING. MOTION CARRIED WITH ALL AYES.

City Engineer Mark Hallan presented an update on the treatment plant. WSN has been working with the contractor on a drive seal problem with the north clarifier. The clarifier is under warranty but two attempts at fixing the problem have proven unsuccessful and Hallan requested Council support to utilize the City Attorney if necessary. MOTION 04R-36-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO AUTHORIZE WSN TO EXECUTE THE WARRANTIES BEFORE THE WARRANTY PERIOD EXPIRES AND TO UTILIZE THE CITY ATTORNEY IF NECESSARY. MOTION CARRIED WITH ALL AYES.

8. CROSSLAKE COMMUNICATIONS –

- a. General Manager Dennis Leaser stated that the Highlights Report was provided for Council information.
- b. The Crosslake Community Safety Fair will be held on Saturday, April 23rd at the Community Center. This is a free event with several exhibitors on hand to address safety issues and concerns.
- c. The Crosslake Cablevision Digital TV Report was included for Council information.
- d. A letter dated April 7, 2005 from General Manager Dennis Leaser requested that the Crosslake Communications Advisory Board be reestablished. At the January 14th Special Council Meeting, the Commission was suspended and Leaser was given direction by Councilman Phillips to review and revise the rules under which the advisory board would operate. Some of the Council Members felt that the information was filtered before coming to the City

Council, that too many restrictions were placed on management by the board and that the selection of members was not done properly. The guidelines, as revised by Leaser, would change the number of members from seven to five, new members would be interviewed and selected by the Council Liaison, an Advisory Board Member and the General Manager, the City Council Liaison would serve as chair and bi-monthly meetings would be held. Leaser recommended approval of three motions; (1.) establish the advisory board immediately; (2.) approve the Advisory Board Rules dated April 2005; and (3.) approve a list of members as specified. MOTION 04R-37-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY TERRY CURTIS TO ESTABLISH THE CROSSLAKE COMMUNICATIONS ADVISORY BOARD. City Administrator Swenson asked if an ordinance amendment was needed in order to create the advisory board since the Ordinance specifically addressed the name. Council Member Swanson felt that all that was necessary was to stop the suspension which was approved in January and reinstate the Commission. Swanson stated that there was no Council action by way of a motion directing General Manager Leaser to take on this task. City Attorney Kirk Adams commented that the Council must amend the Ordinance in order to make the change so the Council directed the City Attorney to take the document and re-draft in ordinance format. MOTION WITHDRAWN.

MOTION 04R-38-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO AUTHORIZE THE CITY ATTORNEY TO WORK ON AN ORDINANCE AMENDMENT FOR REVIEW BY THE CITY COUNCIL AT A LATER DATE.

At 1:00 A.M. a short break was taken.

City Administrator Swenson stated that he has some questions/concerns regarding the guidelines the Board is to operate under. One concern is that management be allowed to operate with autonomy. Another concern is that the meetings are chaired by the Council Liaison. Council Member Swanson agreed that the role of a liaison is to be the messenger between the Commission and the Council. Swanson stated that liaisons' are only accountable to the Council not to Staff. Council Member Curtis stated that the Council needed to think provisionally. Council Member Swanson stated that individual Council Members should not be directing Staff as to what they are to do. City Administrator Swenson also stated that he has concerns with bi-monthly meetings when the company is entering into a \$10,000,000 project. Section 3.02 refers to a board secretary and questioned who this individual would be. Leaser replied that the board secretary would be the Office Manager. Swenson stated that Section 3.03 addresses absenteeism. If a member misses 25% of the regular meetings in one year without prior approval, it would be cause for removal from the Board. Swenson stated that if there were bi-monthly meetings (six a year), if a member missed two

meetings they would be removed from the board. Council Member Eggena agreed that the document needed to be put in Ordinance format for review by the Council at a later date. MOTION CARRIED WITH CURTIS, PHILLIPS AND EGGENA VOTING AYE AND ANDOLSHEK AND SWANSON VOTING NAY.

General Manager Leaser requested that a meeting be held with the City Council to review the 2004 audit and 2005 budget, approve professional organizations for 2005, review RUS loan paperwork, review bids for outside plant and discuss a proposed rate increase. The only time that the auditor from Olson Thielen would be available is April 15th or April 18th. A Special Council Meeting was set for April 15th at 9:00 A.M. at City Hall.

9. RECYCLING – A total of 10.74 tons of recyclables were collected in March bringing the year-to-date amount collected to 32.27 tons.

10. PERSONNEL – Nothing

H. OLD BUSINESS – None

I. NEW BUSINESS – None

J. PUBLIC FORUM – None

K. ADJOURN – MOTION 04R-39-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO ADJOURN THIS REGULAR MEETING AT 1:30 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach
Clerk/Treasurer

Shared/REG COUNCIL MTG – April 11, 2004 doc

BILLS FOR APPROVAL
11-Apr-05

VENDORS	DEPT	AMOUNT
Ace Hardware, glue, staples, felt	Police	20.20
Ace Hardware, knives, spackle	P&R	10.30
Ace Hardware, pipe, coupling	PW	18.07
Ace Hardware, bulb reflector	PW	5.31
Ace Hardware, battery	PW	25.50
Ace Hardware, anti-seize, elbow, nipple, electrical supplies	Sewer	17.27
Ace Hardware, nuts, bolts	P&R	0.99
Ace Hardware, hardware	P&R	11.69
Ace Hardware, wire	P&R	1.69
Ace Hardware, ballast	P&R	29.81
Ace Hardware, bushing	P&R	0.75
Ace Hardware, elbows, saw, tee wing, wrench, adapter	P&R	40.49
Ace Hardware, batteries, link, bolt	PW	21.89
Allen Flemmer, 1st quarter meetings	P&Z	25.00
Ameripride, mats	PW	103.54
Aspen Equipment, cylinder	PW	375.56
A W Research, water test	Sewer	114.00
A W Research, water test	Sewer	114.00
Blackwater Lodge and Training Center, warrant/rescue class	Police	1,036.29
Blue Lakes Disposal, trash removal	ALL	213.53
Brit Enterprises, nozzle, trigger gun	PW	148.83
Brit Enterprises, rust penetrant, brake cleaner, engine cleaner	PW	298.92
Bob Hartman, reimburse mileage and travel expenses	Police	55.44
Bruce Dovenmuehle, reimburse lodging and meals for class	PW	297.08
California Contractors, drill bit set, wipes	PW	288.80
Cascade Computers, move sewer remote reader	Sewer	112.50
Chief Supply, lights	Fire	156.93
City of Crosslake, sewer utility bills	Admin/PW	90.00
City of St. Paul, critical incident protocol class	Police	125.00
Comfort Suites, lodging for class	Fire	223.76
Council #65, union dues	ALL	273.35
Crosslake Communications, phone, fax, dsl, cable, voicemail	ALL	1,192.86
Crosslake Garage and Classics, towing fee	Police	37.28
Crosslake Polaris, safety glasses, apron chaps, oil	PW	181.20
Crosslake Polaris, saw chain	PW	24.12
Crosslake Portable Welding, utility tool rack	PW	90.00
Crosslake Rolloff, recycling	Gov't	2,450.00
Crow Wing County Treasurer, property tax	ALL	75.00
Crow Wing County Treasurer, e911 addresses	Gov't	50.00
Culligan, water and cool rental	Admin/PW	59.62
Defensive Edge Training, ar15 armorer/instructor class	Police	450.00
Deferred Comp	ALL	491.66
Delta Dental, dental insurance	ALL	1,285.00
Department of Public Safety, license plates	Police	6.00
Doug Nelson, refund overpayment	P&Z	500.00

Echo Publishing, public hearing notice for 4/11	P&Z	22.58
Echo Publishing, employment ad	P&Z	90.00
Erik Lee, reimburse uniform expense	Police	90.95
Erik Lee, reimburse travel expenses	Police	73.86
Fortis, disability	ALL	236.42
Frontline Plus Fire & Rescue, repair head nozzle	Fire	124.00
Holiday Station, propane	Cemetery	47.90
Irene Schultz, 1st quarter meetings	P&Z	50.00
Jay Lorch, reimburse for uniform	Police	60.34
Johnson, Killen & Seiler, personnel matters	Gov't	74.00
Jon Henke, reimburse mileage	P&R	52.65
Keith Anderson, reimburse travel expenses	Fire	141.25
Krause Lock & Key, keys	P&R	7.99
Krause Lock & Key, lock and installation	PW	660.00
Larson Allen, audit fees	Admin	979.44
League of MN Cities, loss control workshop	ALL	100.00
League of MN Cities, directory of mn city officials	Admin	42.60
League of MN Cities, insurance	Gov't	42.00
League of MN Cities, group self-insured accident plan for volun	Gov't	274.00
MacQueen Equipment, solenoid	PW	342.21
Mastercard, lodging and meals for class	Admin	102.48
Mastercard, Radio Shack, recorder	PW	119.43
Mastercard, meals and gas for class	Police	424.76
Medica, health insurance	ALL	15,365.79
Menards, pail, fresh air intake	PW	40.50
Menards, extension cords, sump pump	PW	160.95
Menards, strike plates	Gov't	9.43
Michael Winkels, 1st quarter meetings	P&Z	50.00
Mills Motors, oil change, repairs	Police	84.77
Mills Motors, beams, thermostat, a/c, alternator, trans gasket	PW	859.02
MN Benefits	Admin	100.92
MN Board of POST, license renewals	Police	270.00
MN Department of Health, food/beverage license	P&R	185.00
MN Life, life insurance	ALL	319.20
Molly's Cleaning Service, march cleaning	Gov't	745.50
Moonlite Square, fuel	Fire	37.50
MPCA, wq annual permit fee	Sewer	1,450.00
Nancy Addington, 1st quarter meetings	P&Z	50.00
Nancy Koch, 1st quarter meetings	P&Z	125.00
Nautilus, walkbelt, hyperdrive slider	P&R	585.20
NCPERS-Life Insurance	ALL	144.00
North Ambulance, subsidy	Ambulance	1,103.00
North Memorial EMS Education, refresher courses	Fire	670.00
Olaf Olsen, 1st quarter meetings	P&Z	75.00
Pequot Auto Parts, compressor oil	PW	13.85
Pequot Auto Parts, durapower	PW	50.18
Pequot Grad Blast, donation	Gov't	100.00
PERA	ALL	N/A
Peter Abler, 1st quarter meetings	P&Z	125.00
Postmaster, postage for newsletters	Admin	198.00
Postmaster, refill postage meter	ALL	1,000.00

ADDITIONAL BILLS FOR APPROVAL
11-Apr-05

VENDOR	DEPT	AMOUNT
Ace Hardware, bolts, nuts, angle	Police/PW	14.41
Ace Hardware, bulb	Police	2.33
Ace Hardware, elbow, adapter, pipe, couple	PW	21.45
Alex Air Apparatus, gauge, tank seat	Fire	136.68
Crow Wing County Highway Department, salt/sand	PW	1,989.31
Crow Wing Power, electric service	ALL	5,094.40
Jay Lorch, reimburse mileage	Police	103.29
Mastercard, meals and lodging for class	Police	426.03
Menards, viewtainer, squeegee, handles	PW	47.52
Metro Fire, air bag	Fire	175.06
Quill, correction tape, highlighters, labels	Admin/P&Z	67.07
TOTAL		8,077.55

RESOLUTION NO. 05-05

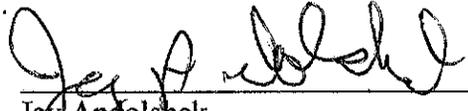
CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION APPROVING PREMISES PERMIT APPLICATIONS (LG214)
FOR
CROSSLAKE/IDEAL LIONS
AND
CENTRAL LAKES YOUTH HOCKEY ASSOCIATION

On April 11, 2005, the Crosslake City Council approved the Crosslake/Ideal Lions and Central Lakes Youth Hockey Association request for Minnesota Lawful Gambling Premises Permit Application LG214 to conduct charitable gambling at:

Maucieri, Inc.

Adopted by the Council this 11th day of April 2005.



Jay Andolshek
Mayor



Thomas N. Swenson
City Administrator

RESOLUTION 05 - 06

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

**RESOLUTION APPROVING PARTIAL ROAD VACATION
OF TALL TIMBER TRAIL FOR PETITION BY HINZE**

WHEREAS, attached as Exhibit A is a petition (the "Petition") requesting the vacation of a platted road right-of-way located adjacent to Lot 11, Block 6, Old Log Headquarters (the "Property") was received by the City; and

WHEREAS, attached hereto as Exhibit B is a half-section map which identifies the location of the proposed area to be vacated within Tall Timber Trail and adjacent and south of Lot 11, Block 6, Old Log Headquarters (the "Public Ground"); and

WHEREAS, the Crosslake City Code, Chapter 6 outlines the procedure and requirements necessary for vacating a road, street, alley, public ground, public way or any part thereof; and

WHEREAS, the Planning and Zoning Commission met on March 25, 2005 to consider and make a recommendation on the Petition; and

WHEREAS, the Park and Recreation Commission met on March 28, 2005 to consider and make a recommendation on the Petition; and

WHEREAS, the Public Works Director recommended denial of the Petition; and

WHEREAS, there was no opposition from any interested parties other than the Public Works Director; and

WHEREAS, area residents Sandy Brodin, 14152 Tall Timber Trail and Aaron S. Herzog, 14083 Tall Timber Trail wrote in support of the Petition; and

WHEREAS, the City Council discussed the positive and negative aspects of the Petition with consideration for the recommendations and public testimony provided at the public hearing; and

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

WHEREAS, the information presented to the City Council indicated the platted right-of-way was dedicated as a Branch Type dead end road design and was never improved; and

WHEREAS, the Tall Timber Trail road right-of-way was improved and extended subsequent to the plat approval as a through street to Backdahl Road; and

WHEREAS, the Branch Type dead end road design is no longer necessary for the purpose for which it was laid out in the plat of Old Log Headquarters and is now useless as a turnaround for maintenance vehicles with the improved through-street connection of Tall Timber Trail to Backdahl Road; and

WHEREAS, Tall Timber Trail will retain an approximately 66.01 ft. road right-of-way providing legal access to the Property.

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

1. All requirements for service of the Petition have been met.
2. It appears from evidence presented to the City Council that the Road/Public Ground is useless for the purpose for which it was laid out in the plat of Old Log Headquarters and the Road/Public Ground as described in the Sketch and Description dated December 22, 2005 attached hereto as Exhibit C is hereby vacated.
3. In consideration for said vacation the City hereby retains an easement for drainage, utilities, and public use trail purposes as shown and described in Exhibit C attached hereto.
4. As a condition of approval of said vacation, Petitioner must reimburse the City of Crosslake for all consultant fees associated with this Petition including those for the City Attorney (\$235.50), City Engineer and City Surveyor (\$452.00), and Crow Wing County Recorder filing fees (\$46.00). Total fees are due in the amount of \$733.50.

Approved and adopted by a 5/5ths majority of the Crosslake City Council this 11th day of April, 2005.

Dated: 4/11/06

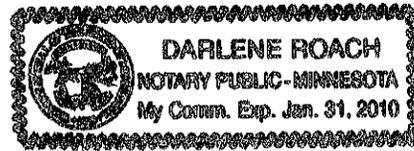
Jay Andolshek
Jay Andolshek, Mayor

Dated: 4/11/06

Thomas N. Swenson
Thomas N. Swenson, City Administrator

Subscribed and sworn to before me this
11th day of April 2006

Darlene Roach
Notary Public



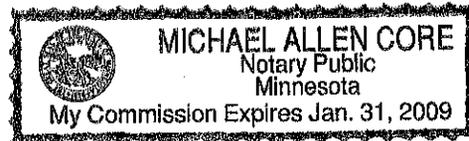
THE UNDERSIGNED APPLICANTS, Jon S. Hinze and Monica L. Hinze, husband and wife, herein consent to and agree to the conveyance of the easement described herein.

Date: 4-6-06

Jon S. Hinze
Jon S. Hinze

Subscribed and sworn to before me this
6th day of April 2006

Michael Allen Core
Notary Public

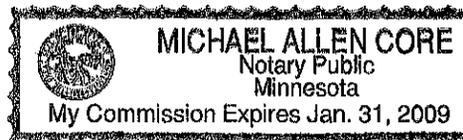


Date: 4/06/06

Monica L. Hinze
Monica L. Hinze

Subscribed and sworn to before me this
6th day of April 2005

Michael Allen Core
Notary Public



This document drafted by: Kenneth R. Anderson, Community Development Director

PETITION FOR ROAD VACATION - EXHIBIT A

Crosslake, Minnesota

To the City Council of Crosslake, Minnesota:

We, the undersigned, owners of the majority of frontage of the real property abutting on an unnamed street, between the East line of Lot 10, Block Six Street and the East line of Tall Timber Trail Street hereby petition that such street is vacated pursuant to Minnesota Statutes, 412.851 and 505.14. (See sketch and description).

Tall Timber Trail

Owners' Name

Owner's Signature

RE Code

Mailing Address

1. Jon Hiner



Lot 10 + 11

607 Carver Bluffs Parkway,
Carver, MN 55315
607 Carver Bluffs Parkway,
Carver, MN 55315

2. Nomica Hiner



Lot 10 + 11

Lot 10 - 142170060100009

Lot 11 - 142170060110009

3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the vacation petitioned for.

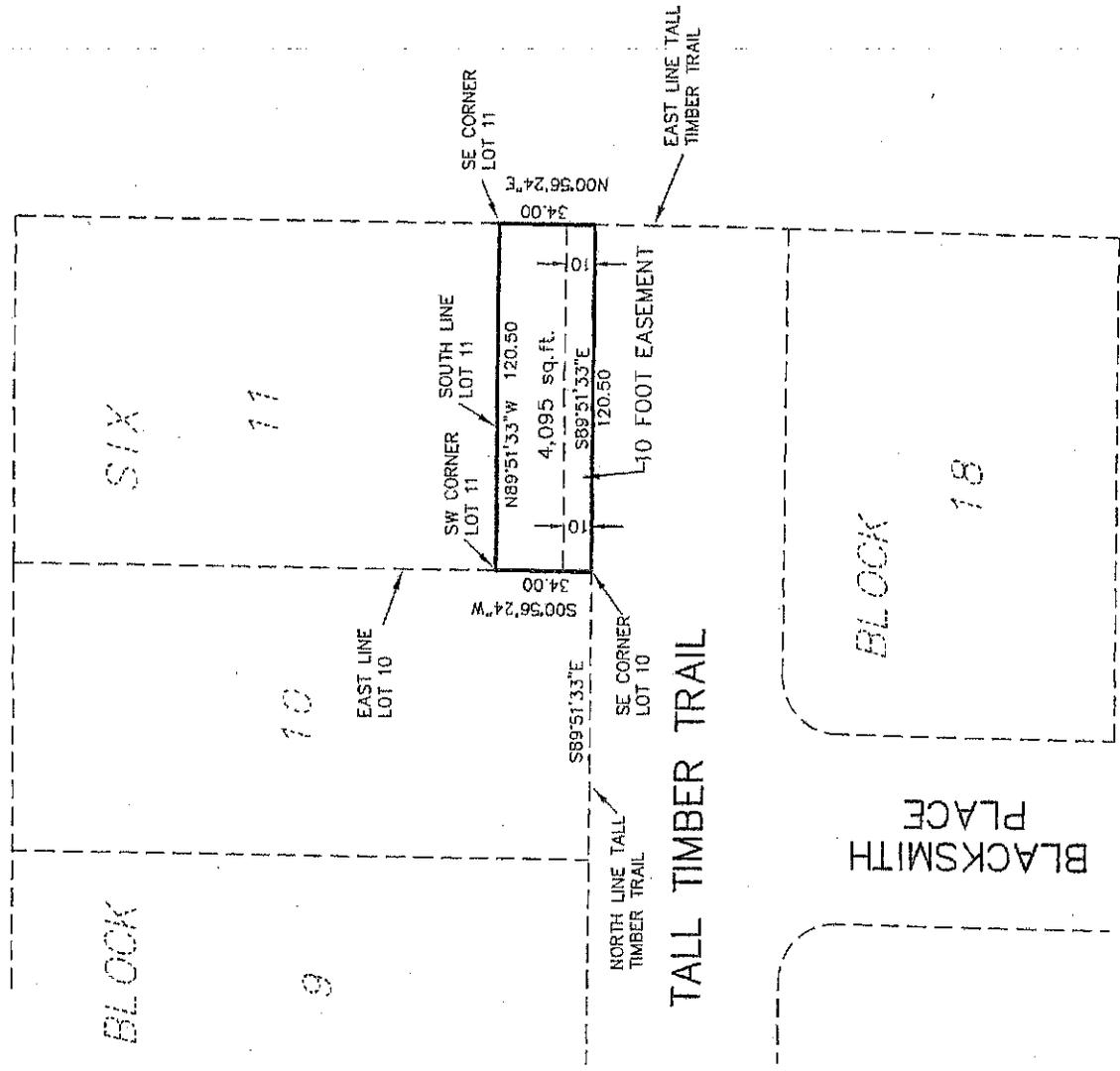


City Administrator

Exhibit A

Exhibit C

SKETCH AND DESCRIPTION PART OF TALL TIMBER TRAIL, OLD LOG HEADQUARTERS, CROW WING COUNTY, MN.



FIVE



ORIENTATION OF THIS BEARING SYSTEM
IS BASED ON THE PLAT OF OLD LOG
HEADQUARTERS

DESCRIPTION FOR THE VACATION OF A PORTION OF TALL TIMBER TRAIL:

That part of Tall Timber Trail, OLD LOG HEADQUARTERS, according to the recorded plat on file in the Crow Wing County Recorder's Office described as follows: Beginning at the point on the north line of said Tall Timber Trail which is the southeast corner of Lot 10. Block Six, said OLD LOG HEADQUARTERS; thence South 89 degrees 51 minutes 33 seconds East, bearing based on said plat of OLD LOG HEADQUARTERS, 120.50 feet to the east line of said Tall Timber Trail; thence North 00 degrees 56 minutes 24 seconds East 34.00 feet along said east line of Tall Timber Trail to the southeast corner of Lot 11, said Block Six; thence North 89 degrees 51 minutes 33 seconds West 120.50 feet along the south line of said Lot 11 to the point on the east line of said Lot 10 which is the southwest corner of said Lot 11; thence South 00 degrees 56 minutes 24 seconds West 34.00 feet along said east line of Lot 10 to the point of beginning. Reserving 10.00 foot wide easement for drainage, utility and public use trail purposes, over, under and across that part of said Tall Timber Trail which lies 10.00 feet north of, and parallel with the following described line: Beginning at said southeast corner of Lot 10; thence South 89 degrees 51 minutes 33 seconds East 120.50 feet to said east line of Tall Timber Trail and said line there ending.

DATE: 04-15-09	DATE: 12-22-05	DATE:	DATE:	DATE:
SCALE: AS SHOWN	REVISION: REVISED TO SHOW 10 FOOT WIDE EASEMENT	PREPARED FOR: CITY OF CROSS LAKE	PROJECT NUMBER: 12-22-05	UC NO:
DRAWN BY: CJS	CHECKED BY: CAS	BY: CWG	DATE: 12-22-05	
FILE NUMBER: 71133				

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ENGINEERS ARCHITECTS LAND SURVEYORS ENVIRONMENTAL SERVICES
ALABAMA ARIZONA ARKANSAS CALIFORNIA COLORADO CONNECTICUT ILLINOIS INDIANA IOWA KANSAS KENTUCKY LOUISIANA MARYLAND MASSACHUSETTS MINNESOTA MISSISSIPPI MISSOURI MONTANA NEBRASKA NEVADA NEW HAMPSHIRE NEW JERSEY NEW YORK NORTH CAROLINA NORTH DAKOTA OHIO OKLAHOMA OREGON PENNSYLVANIA RHODE ISLAND SOUTH CAROLINA SOUTH DAKOTA TEXAS UTAH VERMONT VIRGINIA WISCONSIN WYOMING

