

REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, APRIL 14, 2003
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, April 14, 2003. The following Councilmembers were present: Mayor Darrell Swanson, Dean Eggena, Charles (Chuck) Miller, Irene Schultz and Dick Phillips. Also present was City Administrator Tom Swenson, City Attorney Paul Sandelin, City Engineer Dave Reese, Public Works Director Ted Strand, Park and Recreation Director Jon Henke, Police Sergeant Erik Lee, Office Manager Debbie Floerchinger, Planning and Zoning Coordinator Nancy Vernon, Clerk/Treasurer Darlene Roach and Lake Country Echo Reporter Betty Ryan. There were approximately thirty individuals in the audience.

A. CALL TO ORDER – Mayor Swanson called the meeting to order at 7:00 P.M. and stated for the record that the temperature recorded in Brainerd this date was 91 degrees. It was noted that additions were added to the Agenda for Council consideration. MOTION 04R-01-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

B. CRITICAL ISSUES – None

C. CONSENT CALENDAR - MOTION 04R-02-03 WAS MADE BY DEAN EGGENA AND SECONDED BY CHUCK MILLER TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF REGULAR COUNCIL MEETING OF MARCH 10, 2003, (2) CROSSLAKE COMMUNICATIONS TELEPHONE AND CABLEVISION STATISTICAL REPORT DATED FEBRUARY 28, 2003; (3) CITY MONTH END REVENUE REPORT DATED FEBRUARY 28, 2003; AND (4) CITY MONTH END EXPENDITURE REPORT DATED FEBRUARY 28, 2003. MOTION CARRIED WITH ALL AYES.

D. PUBLIC FORUM – Dean Spencer of 33994 Pine View Lane addressed the Council and inquired as to the status of the proposed road improvement project for Brita Lane and Pineview Lane. City Engineer Dave Reese stated that the City has authorized WSN to prepare plans and specifications which have been completed with the understanding that the City would advertise for bids this spring with construction this summer. City Administrator Tom Swenson stated that one contingency deals with pending legislation and whether the City is able to bond for the project. Mr. Spencer asked how the sewer project could proceed if bonding was an issue. City Administrator Swenson stated that the City will be allowed to levy for projects on contracts that have already been signed. Mr. Spencer inquired about the sign for Pine View Lane that was ordered in September. Public Works Director Ted Strand stated that the sign has been received and will be installed.

MAYOR'S REPORT - Mayor Swanson read a proclamation which proclaimed May 9th and 10th as Poppy Days in the City of Crosslake. Darlene Back, President of the American Legion Auxiliary and this year's Poppy Chair, addressed the Council and explained the importance of the poppy and the role it plays in assisting veterans and their families. The poppy has been a commemorative symbol for veterans since World War I and remains the official Memorial Day flower. The poppy's are made by veterans in VA Hospitals and Workshops and offer a pastime for hospitalized veterans as well as provide other veterans with a means of support for themselves and their families. Donations received for poppies are used exclusively for veterans, however, donations received from poppy cards can also be used for veterans families. Darlene Back presented the Mayor and Council with poppy's to kick off 2003 Poppy Days. MOTION 04R-03-03 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS APPROVING THE MAYOR AND CITY ADMINISTRATOR SIGNING A PROCLAMATION ANNOUNCING FRIDAY AND SATURDAY, MAY 9TH AND 10TH AS POPPY DAYS IN THE CITY OF CROSSLAKE. MOTION CARRIED WITH ALL AYES.

F. CITY ADMINISTRATOR REPORT –

1. MOTION 04R-04-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE ALL BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNTS OF \$97,691.89 AND \$5,080.48. MOTION CARRIED WITH ALL AYES.
2. Memo from Clerk Roach regarding re-purchase of Cemetery Lots – Mrs. Ralph Lauer has requested that the City repurchase three cemetery lots which were purchased by the Lauer's in 1989 in the amount of \$150.00. If the Council approves the repurchase, a Quit Claim Deed will be prepared and sent to Mrs. Lauer. Upon return of the signed Quit Claim Deed, a check will be issued to Mrs. Lauer in the amount of \$150.00. MOTION 04R-05-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO REPURCHASE SITES C, D AND E OF BLOCK 24, LOT 4 IN PINWOOD CEMETERY AT A COST OF \$150. MOTION CARRIED WITH ALL AYES.
3. Memo from Clerk Roach regarding Charitable Gambling Permit for Edina Realty Foundation – Approval on an Application for Exempt Permit for Edina Realty Foundation to sell raffle tickets on a playhouse/storage shed was requested. Proceeds from the raffle will be used to provide financial support to various charitable organizations in the area. MOTION 04R-06-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE RESOLUTION NO. 03-06 AUTHORIZING THE SALE OF RAFFLE TICKETS FOR A PLAYHOUSE/STORAGE SHED FOR EDINA REALTY FOUNDATION WITHIN THE CITY OF CROSSLAKE. MOTION CARRIED WITH ALL AYES.

4. Memo from Clerk Roach regarding Charitable Gambling Permit for Brainerd Lakes Area Chamber of Commerce – Approval on an Application for Exempt Permit for the Chamber of Commerce to sell raffle tickets on a Polaris 550 snowmobile and a two-night Jacuzzi suite to raise funds for the July 4th fireworks was requested. MOTION 04R-07-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO APPROVE RESOLUTION NO. 03-07 AUTHORIZING THE SALE OF RAFFLE TICKETS BY THE CHAMBER OF COMMERCE TO RAISE DONATIONS FOR THE FOURTH OF JULY FIREWORKS. MOTION CARRIED WITH ALL AYES.
5. Letter dated July 11, 2003 from Scott Cordahl regarding Liquor License – City Administrator read a letter from Scott Cordahl of Ox Lake Tavern regarding his request for consideration of an On-sale Intoxicating Liquor License. City Administrator Swenson stated that there are currently four licenses available within the City provided the applicant meets the requirements of the Ordinance which requires that the serving of food be the primary business. It was the consensus of the Council that a letter be sent to Mr. Cordahl advising him of the available licenses.
6. Letter dated March 13, 2003 from Doug Harren of Crow Wing Power updated the City on the funding available for the lighting program within the City and was included for Council information. City Administrator Swenson commented that Crow Wing Power will assist with poles for the warning sirens from this fund as well as provide lighting to the entrance of City Hall. Currently the Chamber of Commerce is reviewing the need for lighting in the City.
7. Letter dated March 17, 2003 from Cindy Rieck of Pequot Lakes Physical Therapy Services, Inc. informed the Council of a fundraising event for the Mounted Eagles, a therapeutic horseback riding program for persons with physical, mental and emotional challenges. A Walk-N-Roll event will be held on the Paul Bunyan Scenic Byway along County Road 16 on Saturday, September 27, 2003. The Crosslake Police Department and the Crow Wing County Highway Department were informed of this event and the County has agreed to provide safety signs and equipment for the event. The details of the event were included in the packet for Council information.
8. A letter dated March 29, 2003 from Paul Bunyan Scenic Byway Association thanked the City for their donation of \$500 for year 2003 and was included for Council information.
9. A letter dated March 25, 2003 from Sheila Wasnie Haverkamp included BLADC Project Activity Reports for January and February, 2003.
10. A Region 5 Development Commission Update was included for Council information.
11. Lakes State Bank Pledge Update dated March 2003 was included for Council information.
12. Lakewood Bank Pledge Update dated March 2003 was included for Council information.

13. Northern National Bank Pledge Update dated March 31, 2003 was included for Council information.
14. Purchase Agreement from Re/Max for Purchase of Lot 3, Block 2 of Gendreau Addition- A signed purchase agreement and earnest money in the amount of \$500 has been received from Anders Holm for the purchase of Lot 3, Block 2 of Gendreau Addition. City Attorney Sandelin met with Real Estate Agent Sue Bolton and Andy Holm prior to the meeting and provided them with an Addendum to the Purchase Agreement which establishes the price for the lot along with a document requiring the applicants signature indicating that he has been provided with a copy of the Covenants pertaining to this property. Sue Bolton and Andy Holm addressed the Council. Mr. Holm presented the Council with a drawing showing a proposed building which will be used as a commercial shop with office space. MOTION 04R-08-03 WAS MADE BY DEAN EGGENA AND SECONDED BY CHUCK MILLER TO ACCEPT THE PURCHASE AGREEMENT FROM ANDERS HOLM FOR THE PURCHASE OF LOT 3, BLOCK 2 OF GENDREAU ADDITION AT A COST OF \$14,800 WITH THE CITY PAYING THE 10% REALTOR FEE. MOTION CARRIED WITH ALL AYES.
15. A thank you for the City's donation of \$100 to Grad Blast 2003 from the Pine River/Backus Grad Blast Committee was included for Council information.

G. COMMISSION REPORTS –

1. CHARTER SCHOOL – Councilmember Schultz reported that the school is holding an art show on April 14 from 7:00 P.M. – 8:00 P.M. and on April 15 from 9:00 A.M. – 12:00 P.M. National Charter School week will be held April 28th through May 2nd and everyone is invited to stop in at the school. The PTA will present a summer send off for all of the children and their families in May. A Spring music program will be held sometime in May.
2. PLANNING AND ZONING –
 - a. Planning and Zoning Coordinator Nancy Vernon reported that 29 permits were issued in March for a valuation of \$712,440. This brings the year to date number of permits to 61 with a valuation of \$984,050.
 - b. The Crow Wing County permit summary for February, 2003 shows Crosslake third in permits issued within the County behind Baxter and Brainerd.
 - c. The minutes of the February 28, 2003 meeting were included for Council information.
 - d. Letter dated March 31st from Landecker & Associates regarding Duckwood Plat – Nancy Vernon stated that the Poephn's, the developers of Duckwood Plat, are proposing an alternate location for a road within the plat which differs from the proposal

discussed at the Regular Council Meeting in March where the Council stipulated that the developer, as part of Preliminary Plat Approval, would be required to extend the road to Willwood Lane and bring the road up to city specifications. The applicants are proposing a road with a 90 degree turn to be located partly on their property and partly on adjacent property. Kevin McCormick of Landecker & Associates addressed the Council and explained the new proposal and the reason for the requested change. He stated that the original concept for the development is to develop a quiet community not one with a wide open thoroughfare that does not promote the health and safety of the residents within the development. He stated that the prior proposal discussed at the March meeting does not take into account any wetlands on the property or the topography of the property. He stated that the proposed "T" intersection would promote public safety and at the same time prevent undesirable lots. He further stated that the developer would incur considerable additional expenses by being required to construct an additional 600' of roadway. Mrs. Poepfn stated that she was under the impression that the City would pay for the road extension from the proposed cul de sac to the property line based on a conversation with Nancy Vernon and the Council informed her that was not correct. (It was noted that the Poepfn's were not present at the March meeting when the Preliminary Plat was approved by the Council with conditions related to the road.) Councilmember Miller commented that the Public Works Commission has reviewed these road issues and are not in agreement with allowing dead end roads in a development with this many lots. He further stated that he could not support building a road on Courneya's property. Councilmember Eggena asked if there were wetlands on the property. Mr. McCormick stated that there were wetlands and a degree of slope. City Administrator Swenson stated that the City has gone to considerable expense in several areas to connect roads so there is a safety benefit for ingress/egress and for emergency vehicle access. Mr. McCormick stated that they were not opposed to a thoroughfare, but they were opposed to the road going South between Lots 11 and 12. After reviewing the location of the proposed road, Councilmember Eggena stated that he was not opposed to the change provided the road remains on the Poepfn property. City Administrator Swenson asked City Engineer Dave Reese if there was any liability on the part of the City in allowing construction of a road containing a 90 degree turn. City Engineer Reese stated if the full 66' roadway is used for construction and the intersection contains signage, it would be allowable, however, the applicant would need to reconfigure the

plat since the lot lines would change. Lonnie Poepfn addressed the Council and inquired whether the City would be willing to incur a part of the cost of the road since the City was requiring the road to go through. City Administrator Swenson stated that the City would not participate in the cost and that it would have to be paid at 100% by the developer. Ms. Poepfn then asked if the City would help with the park dedication fee. Mayor Swanson stated that there are a lot of subdivisions taking place within the City and that the Council is acting in the best interest of the residents when requiring safe roads and green space. Ms. Poepfn stated that conditions were being changed since the Planning and Zoning Commission recommended approval of the preliminary plat. Councilmember Eggena stated that the Council is the final authority on plats. He stated that the Planning and Zoning Commission is a volunteer group of individuals who review applications and make recommendations to the Council, but ultimately it is the Council who has the final decision to do what's best for all the residents. Mr. Poepfn addressed the Council and stated that Olympia Stapakis owns the property that the road would extend through and he wondered if the City was making her property an unbuildable lot. Attorney Paul Sandelin stated that the City was establishing a public purpose for the property and should a request come before the City, a determination would be made on whether a variance would be approved. City Engineer Reese stated that the City would have to look at setbacks for a building envelope. He also stated that this property was reviewed during the assessment process for Willwood Lane. Ms. Poepfn asked if the City would be willing to approve a variance for the property and City Administrator Swenson stated that the City could possibly approve a variance if requested since one equivalent lot was assessed to the property for road improvements. At the time assessments were reviewed, it was the City's belief that the lot was buildable. Councilmember Phillips stated that he was not comfortable approving any motion regarding the road until further information is received. Mayor Swanson asked the Poepfn's if the City had their consent to table the issue and the Poepfn's indicated they were in agreement with the Council tabling any action to the next Council meeting. MOTION 04R-09-03 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN EGGENA TO TABLE ANY ACTION ON THE DUCKWOOD PLAT TO THE NEXT REGULAR COUNCIL MEETING. MOTION CARRIED WITH ALL AYES.

- e. Staff Report – Christine's Wildwood Preliminary Plat – Robert and Loyola Marshall have requested approval to extend the deadline for Final Plat approval for Christine's Wildwood

subdivision for an additional year, giving the applicant until May 13, 2004 to submit their final plat application. MOTION 04R-10-03 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO EXTEND THE DEADLINE TO SUBMIT THE FINAL PLAT FOR CHRISTINE'S WILDWOOD SUBDIVISION TO MAY 13, 2004. MOTION CARRIED WITH ALL AYES.

- f. Staff Report dated April 3rd setting the date for Appeal 2003-001 – MOTION 04R-11-03 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO SET THE DATE FOR THE UNDERBRINK APPEAL HEARING FOR MAY 12, 2003 AT 6:00 P.M. MOTION CARRIED WITH ALL AYES.
- g. Staff report regarding proposed Ordinance Amendment regarding dirt moving exemptions – At the Planning and Zoning Commission meeting of February 28th, the Commission directed Staff to prepare an ordinance amendment which would be more user friendly regarding dirt moving. The proposed amendment contains the same verbage as the County Ordinance and would exempt certain dirt moving requests from the CUP process provided the applicant has been working with local agencies such as the DNR and the Crow Wing County Soil and Water Conservation District and the proposed project meets their criteria for restoration. Approval was also requested to amend the fee schedule to require a \$75.00 fee for land alteration and \$25.00 for sand blankets, rip rap and vegetation removal with an approved Forest Management Plan. MOTION 04R-12-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE ORDINANCE AMENDMENT 175 DEALING WITH DIRT MOVING AND TO PUBLISH A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES.

MOTION 04R-13-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO ASSIGN A FEE OF \$25.00 FOR SAND BLANKETS, RIP RAP AND VEGETATION REMOVAL WITH AN APPROVED FOREST MANAGEMENT PLAN. MOTION CARRIED WITH ALL AYES.

- h. Staff Report regarding proposed ordinance amendment pertaining to administration of violations – Approval was requested to add language to Chapter 8 prohibiting contractors from obtaining zoning permits if there is an outstanding zoning violation. MOTION 04R-14-03 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE ORDINANCE AMENDMENT 176 DEALING WITH ADMINISTRATION OF VIOLATIONS AND TO

PUBLISH A SUMMARY OF SAID ORDINANCE AMENDMENT.

Councilmember Eggena commented that property owners rely on the contractor to handle the matters properly and when they don't, the property owner can be charged a penalty ten times the permit fee. Councilmember Phillips felt the monetary aspect can sometimes be insignificant to the property owner and wondered if there was any other type of penalty. Nancy Vernon stated that in some cases restoration of the property is required. Attorney Sandelin stated that since the City doesn't issue business licenses there isn't any license to revoke when a violation of the ordinance takes place. Councilmember Eggena felt if the contractor can't obtain the permit at least the property owner becomes involved in the process. Councilmember Miller inquired whether the Planning and Zoning Department could inform the property owner as to why the contractor cannot obtain the permit and Nancy Vernon stated that the Department could post the names of violators.

MOTION CARRIED WITH ALL AYES.

- i. Staff Report regarding Ferndale Beach Road Vacation – R. James Talbott and Karen G. Talbott and Thomas R. Frantz submitted a request to District Court on May 2, 2002 for the vacation of a 20' public access on Manhattan Point Boulevard abutting their two properties. The vacation request was submitted prior to the City's placing a moratorium on the vacation of public accesses but when a motion was made to approve the vacation, the motion failed on a vote of three to two. The Council, at that time, requested that the Healthy Community Partnership Committee working to update the Comprehensive Plan review how the City should handle the numerous public accesses located throughout the City, which have been deeded to the public during platting. While work on updating the Comprehensive Plan is in its final stages, a public hearing is required and the Plan requires adoption by the Council. Due to the fact that the road vacation request is scheduled to be heard in District Court on May 13, 2003, after two continuances, the applicant's have requested that the vacation request be reviewed again by the City Council. Dennis Lee, Attorney for the applicants, addressed the Council and requested an amicable resolution to the vacation request. He stated in November, 2000, the City Council approved a road vacation in the same general area as Ferndale Beach. A survey of the Ferndale Beach access verified that the vertical distance from the top of the bluff to the bottom of the slope is 30.5 feet. The horizontal distance of 51.6 feet from the top of the bluff to the toe of the slope creates a 59% slope at this point of the property. The total drop from Manhattan Point Boulevard to the shore of the lake is 63.5 feet.

These drops differ from other public accesses regarding usability by the public due to the elevations and are the basis for the applicant's request for vacation. Mayor Swanson stated that the reason for the moratorium was not only for access, but also for consideration of maintaining green space. He also stated that because the Comprehensive Plan has not been completed, the Council cannot look to the Plan for direction. Attorney Lee stated that this vacation request is the only open vacation request presented to District Court prior to the moratorium being put into effect. Attorney Lee noted that the property owners have modified their plans to build a home on the property and construction has begun. City Engineer Dave Reese suggested that the City obtain a drainage easement due to the elevation from the road to the lake being 30.5 feet. Attorney Lee stated that they had no objection to giving a drainage easement. MOTION 04R-15-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE FERNDALE BEACH ROAD VACATION LEAVING THE MORATORIUM IN PLACE PROVIDED THE AREA WOULD BE RESTRICTED FROM ANY BUILDINGS OR STRUCTURES AND THAT A DRAINAGE EASEMENT BE CONVEYED TO THE CITY. Councilmember Phillips asked the property owner if anyone currently uses the access. Mr. Talbott stated that he has owned the property since 1980 and no one has used the access. MOTION CARRIED WITH ALL AYES.

- j. Staff Report regarding Park Dedication for Metes and Bounds Subdivision for Ed Schabert – At the March 28, 2003 Planning and Zoning Commission meeting, a metes and bounds subdivision was approved which created three new lots within the City. The City requires dedication of parkland or cash in lieu of land for all subdivisions. Upon recommendation of Park and Recreation Director Jon Henke and the Planning and Zoning Commission, park dedication fees in the amount of \$15,000 is recommended. Mr. Schabert addressed the Council and stated that he and his brothers bought the land in 1989 and assumed that one day they would divide the land into three parcels and each brother would build a home on the property. At that time park dedication fees did not apply to metes and bounds subdivisions. Mr. Schabert objected to being required to pay the park dedication fee and felt the fee was intended for developers not for family owned property. He stated that \$15,000 is a hardship and requested a waiver from the fee. Nancy Vernon stated that the Commission feels property splits bring more people into the area requiring the need for additional park space. Mr. Schabert stated that in this case the same number of people would be utilizing the property since the cabin, currently situated on the

property, sleeps 20 and the individual cabins would house the same people. MOTION 04R-16-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO APPROVE THE PARK DEDICATION FEE FOR THE SCHABERT METES AND BOUNDS SUBDIVISION IN THE AMOUNT OF \$15,000. Councilmember Eggena stated that park dedication fees guarantee that the City has parkland forever since green space is being set aside proportionately with the number of lots established. Mr. Schabert asked if the amount could be reduced to \$10,000 since he would only be creating two new lots. City Administrator Swenson stated that the Council previously put a cap on the amount of fees an individual would be required to pay. Without the cap, Mr. Schabert would have been required to pay \$20,700 for the subdivision of property. MOTION CARRIED WITH ALL AYES.

- k. Staff report regarding Preliminary Plat Silent Oaks – Larry Smith requested preliminary plat approval on a plat called Silent Oaks which would contain thirty one residential lots and three outlots on 39.88 acres of land in Section 32. This plat would also require a rezoning from Rural Residential (RR) to Low-Density Residential (R-1). The Planning and Zoning Commission recommends approval of the rezoning and preliminary plat with conditions. Larry Smith of 36306 County Road 3 and Kevin McCormick of Landecker & Associates were present at the meeting. Cliff Clark, property owner off of #103 and Lake Street, addressed the Council and stated that he is totally against the rezoning. He stated that he has sold property in other developments that Mr. Smith has built in and feels there are too many homes and septic in a small area. He stated that he does not want to see this area look like a housing development. City Administrator Swenson inquired about the burial mounds located on the property and he was told that there would be fencing 20' from the survey stakes to protect the mounds. Nancy Vernon stated that the State Archeologist has reviewed the area. Councilmember Phillips asked why the City would not pursue parkland in this area versus cash due to the density and Park and Recreation Director Jon Henke stated that the City does lease a 30 acre parcel of parkland off of #103 on the South bay. Councilmember Miller asked how the zoning change would affect the neighborhood and Nancy Vernon stated that it does fit in since R1 is transitional with Rural Residential being one acre in lot size. Mr. Smith stated that he has been doing developments for thirty years and one plat, which he developed, is used by the State as a model for their shoreland management policy. He stated that the plat will contain two sixty six foot road right-of-ways. There will be covenants enforced by the property

owners and a tree cutting plan will be in place. There will be no trees cut along County Road #103. He also stated that the house placement on the survey is for example only and does not reflect the location where the houses will be constructed. He stated the houses will be affordable houses and the market will dictate the type of home to be constructed. City Administrator Swenson asked how you design the septic system and alternate system when you switch the locations of the houses and Mr. Smith stated that the lots are large enough to accommodate changes. Councilmember Schultz asked what the price range of the homes would be and Mr. Smith stated they would be in the area of \$150,000 each. Mr. Clark addressed the Council and stated that he doesn't have a problem with the houses just that the lots look bigger than they really are, however if Mr. Smith has strong covenants then he would be agreeable with the development. City Administrator Swenson asked if each lot would require a site plan and Nancy Vernon stated that a permit is required for each home and the location of the drainfield and septic system is part of the permitting process. Councilmember Eggena felt that 40,000 square feet was a good lot size for this development. MOTION 04R-17-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE REZONING MAP FROM RURAL RESIDENTIAL (RR) TO LOW DENSITY RESIDENTIAL (R-1) FOR THE PROPOSED PLAT SILENT OAKS. Mayor Swanson stated that the subdivision will meet the elements for affordable housing referenced in the 1996 Comprehensive Plan and future Comp Plan. MOTION CARRIED WITH ALL AYES.

MOTION 04R-18-03 WAS MADE BY DEAN EGGENA AND SECONDED BY CHUCK MILLER TO APPROVE THE PRELIMINARY PLAT FOR SILENT OAKS WITH THE FOLLOWING CONDITIONS: (1) ALL OF THE FEES ARE PAID TO THE CITY PRIOR TO SIGNING OF THE FINAL PLAT CONSISTING OF PARK DEDICATION FEES OF \$15,500; CITY ENGINEER AND CITY SURVEYOR FEES; AND CITY ATTORNEY FEES; (2) CITY ATTORNEY APPROVES THE TITLE OPINION FOR THE PLAT; (3) PRIOR TO FINAL PLAT APPLICATION, A SEPTIC SYSTEM SITE EVALUATION MUST BE SUBMITTED THAT INDICATES STANDARD ONSITE SEWAGE TREATMENT SYSTEMS CAN BE ACCOMPLISHED, INCLUDING A PRIMARY AND SECONDARY SEWAGE TREATMENT SITE, INCLUDING A MINIMUM OF ONE SOIL BORING PER EACH FOUR LOTS; (4) PROPOSED COVENANTS SHALL BE SUBMITTED WITH FINAL PLAT

APPLICATION; (5) THE DEVELOPER SHALL PROVIDE A COST ESTIMATE OF THE ROAD CONSTRUCTION AND POST A BOND OR SECURITY WITH THE CITY FOR 125% OF THE ESTIMATED COST OF THE IMPROVEMENTS, IN ACORDANCE WITH THE CURRENT CITY ORDINANCE; (6) A DEVELOPMENT AGREEMENT SHALL BE PREPARED THAT OUTLINES THE COSTS AND BONDING REQUIREMENTS FOR THE ROAD; (7) THE CITY ATTORNEY SHALL REVIEW AND APPROVE THE DEVELOPMENT AGREEMENT; (8) THE PROPOSED PUBLIC ROAD IS CONSTRUCTED TO CITY STANDARDS AND APPROVED BY THE PUBLIC WORKS COMMISSION WITH RECOMMENDATIONS FROM THE CITY ENGINEER; (9) INSPECTION OF THE NEW STREET SHALL BE MADE BY THE CITY ENGINEER WITH THE COST OF SUCH INSPECTIONS PASSED ON TO THE DEVELOPER; (10) ACCEPTANCE OF THE PUBLIC IMPROVMENTS BY THE CITY SHALL BE CONTINGENT UPON RECEIPT OF WRITTEN CERTIFICATION BY THE DEVELOPER'S ENGINEER THAT THE CONSTRUCTION HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS AND SUBMITTAL OF CERTIFIED RECORD DRAWINGS; (11) THE DEVELOPER SHALL REIMBURSE THE CITY FOR ALL REASONABLE ADMINISTRATIVE COSTS, INCLUDING ENGINEERING AND LEGAL SERVICES, ASSOCIATED WITH THE REVIEW OF THIS PLAT; (12) ALL LOTS SHALL HAVE INGRESS/EGRESS BY MEANS OF THE PROPOSED INTERIOR ROAD; (13) BEST MANAGEMENT PRACTICES ARE USED DURING AND AFTER CONSTRUCTION TO PREVENT EROSION; (14) THE PLAT SHALL INDICATE THAT THERE ARE NO WETLANDS ONSITE; (15) FIVE (5) FEET UTILITY AND DRAINAGE EASEMENTS SHALL BE ADDED ALONG EACH SIDE OF ADJOINING LOT LINES; (16) OUTLOT A IS INCREASED 10 FEET IN WIDTH ON THE WEST SIDE; (17) ALL CORNERS OF EARTHWORKS OUTLOTS SHALL BE STAKED PRIOR TO FINAL PLAT APPLICATION AT THE REQUEST OF THE STATE ARCHAEOLOGIST TO ALLOW FOR AN ONSITE INSPECTION; (18) NO CONSTRUCTION, TRAIL DEVELOPMENT, ROUTING OF UTILITY LINES OR OTHER GROUND-DISTURBING ACTIVITIES SHALL OCCUR WITHIN AT LEAST 20 FEET OF THE BASE OF THE EARTHWORKS; (19) A PERMANENT FENCE SHALL BE INSTALLED AT A SETBACK OF 20 FEET FROM THE BASE OF THE MOUNDS; (20) A 20 FOOT BUFFER

AROUND THE MOUNDS MUST BE FENCED DURING CONSTRUCTION WITH TEMPORARY FENCING TO PROVIDE A VISUAL AND PHYSICAL BARRIER TO AVOID INADVERTENT IMPACT DURING SITE DEVELOPMENT;
(21) NO VEGETATION OR STUMP REMOVAL IS PERMITTED WITHIN THE DESIGNATED MOUND AREA;
(22) THE MOUNDS SHALL BE MAPPED AND ADDED TO THE PARCEL'S PLAT, REFERENCED IN ANY DEEDS OR ABSTRACTS FOR THE PROPERTY WITH REFERENCE TO THEIR PROTECTION UNDER PROVISIONS OF MS 307.08 OR SUBSEQUENT REVISIONS. Councilmember Eggena asked if Sequoia Drive could continue into the plat and it was noted that a developer cannot use a pre-established road within a plat, however, the possibility will be researched before final plat approval. MOTION CARRIED WITH ALL EYES.

1. Staff Report regarding preliminary plat approval for Westwood Estates First Addition – Nancy Vernon stated that she has a conflict of interest with this development, but is not a voting member of the Planning and Zoning Commission or City Council. Councilmember Eggena stated that he received a call from Steve Wannebo stating that he was unable to attend the meeting. The applicant is requesting preliminary plat approval for six residential lots and one outlot on approximately 11.5 acres in Section 19. The Planning and Zoning Commission recommends approval of the preliminary plat with conditions. Councilmember Eggena questioned condition #4 which would require the developer to haul in thousand's of yards of fill and stated he does not feel the City should require a flat lot. City Engineer Dave Reese stated that the Commission discussed this requirement and felt it was a safety risk without adding fill. Item #7 addresses that all slopes shall be decreased to a safe slope and City Administrator Swenson asked what constitutes a slope being a safe slope. Councilmember Eggena stated that a cave-in would be the concern, not the slope, and that is why the Planning and Zoning Commission did not attach a number to the slope. City Administrator Swenson asked where the liability would fall. It was agreed that the City would note that there is a potential hazard and the developer needs to make it safe. Based on this #4 will be deleted as a condition. MOTION 04R-19-03 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE PRELIMINARY PLAT FOR WESTWOOD ESTATES FIRST ADDITION WITH THE FOLLOWING CONDITIONS: (1) ALL FEES ARE PAID TO THE CITY PRIOR TO SIGNING OF THE FINAL PLAT INCLUDING PARK DEDICATION FEE OF \$3,000; CITY ENGINEER AND CITY SURVEYOR FEES; CITY

ATTORNEY FEES; (2) CITY ATTORNEY APPROVES THE TITLE OPINION FOR THE PLAT; (3) THE LOTS ADJACENT TO WEST SHORE DRIVE SHOULD BE LABELED LOTS 1&2, BLOCK 2; (4) THE DEVELOPER SHALL REIMBURSE THE CITY FOR ALL REASONABLE ADMINISTRATIVE COSTS, INCLUDING ENGINEERING AND LEGAL SERVICES ASSOCIATED WITH THE REVIEW OF THIS PLAT; (5) BEST MANAGEMENT PRACTICES ARE USED DURING AND AFTER CONSTRUCTION TO PREVENT EROSION; (6) IF THE USE OF THE EXISTING GRAVEL PIT CONTINUES, THE FOLLOWING CONDITIONS SHALL BE ADHERED TO PER CHAPTER 8, SECTION 8.50, SUBD. 17. EXTRACTIVE USE STANDARDS – MINING – NO QUARRYING OPERATION SHALL BE CARRIED IN OR ANY STOCKPILE PLACED CLOSER THAN FIFTY (50) FEET FROM ANY PROPERTY LINE OR ROAD RIGHT-OF-WAY; ALL EQUIPMENT AND MACHINERY SHALL BE OPERATED AND MAINTAINED IN SUCH MANNER AS TO MINIMIZE DUST, NOISE AND VIBRATION, FOR SAFETY PURPOSES ALL SLOPES SHALL BE DECREASED TO A SAFE SLOPE; (7) IF THE USE OF THE EXISTING SITE IS TERMINATED, THE FOLLOWING MUST TAKE PLACE FOR REHABILITATION AND RECLAMATION OF THIS AREA, ACCORDING TO CHAPTER 8, SECTION 8.50, SUBD.17; SURFACE RECLAMATION – ALL EXCAVATIONS SHALL BE GRADED OR BACKFILLED TO CONTOUR AND SHAPE THE PEAKS AND DEPRESSIONS THEREOF, SO AS TO PROVIDE A GENTLY DRAINED SURFACE THAT WILL MINIMIZE EROSION DUE TO RAINFALL AND WHICH WILL BE IN SUBSTANTIAL CONFORMITY TO THE ADJOINING LAND AREA. FOUR INCHES OF NATIVE TOPSOIL SHALL BE PLACED ON ALL AREAS OF EXCAVATION, VEGETATION SHALL BE RESTORED BY APPROPRIATE SEEDS OF GRASSES OR PLANTING OF SHRUBS OR TREES IN ALL PARTS OF SAID MINING AREA; THE BANKS OF ALL EXCAVATIONS NOT BACKFILLED SHALL BE SLOPED NOT STEEPER THAN THREE FEET HORIZONTAL TO ONE FOOT VERTICAL AND SAID BANK SHALL BE SEEDED; THE CITY COULD CONSIDER REQUIRING A PERFORMANCE BOND OF NOT LESS THAN \$1,000 AND NOT MORE THAN \$10,000 TO GUARANTEE THE RESTORATION, REHABILITATION AND RECLAMATION OF THESE AREAS AND THE RESTORATION SHALL BE COMPLETED WITHIN ONE

YEAR FROM THE DATE OF DISCONTINUANCE OF USE.
MOTION CARRIED WITH ALL AYES.

3. PERSONNEL COMMITTEE –

- a. A memo dated March 28th from the Personnel Committee recommended Council approval on various personnel items:
MOTION 04R-20-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE SCHEDULER/DISPATCHER JOB DESCRIPTION DATED APRIL 10, 2003. MOTION CARRIED WITH ALL AYES.

MOTION 04R-21-03 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE 150 COMPARABLE WORTH POINTS TO THE SCHEDULER/DISPATCHER POSITION AND THAT THE POSITION BE INCLUDED UNDER WAGE GROUP II OF THE UNION AGREEMENT. MOTION CARRIED WITH ALL AYES.

MOTION 04R-22-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO AUTHORIZE STAFF TO PROCEED TO FILL THE SCHEDULER/DISPATCHER POSITION. MOTION CARRIED WITH ALL AYES.

MOTION 04R-23-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE HIRING OF JOHN BACKDAHL AS A PATROL OFFICER ON A PART-TIME BASIS AT A RATE OF \$20.00 PER HOUR. Councilmember Phillips asked if the Police Department was short staffed and Sergeant Lee stated that during the summer months, Friday and Saturday evenings and Holidays can be covered with two officers on duty, however the officers would be required to work every weekend with no time off for sick leave or vacation. With an additional officer on duty during the summer months, all shifts can be covered and allow for one officer to remain in the City even if one officer needs to travel to Brainerd to the jail to book someone. It was noted that the part-time position was included in the 2003 budget. MOTION CARRIED WITH ALL AYES.

Also discussed at the Personnel Committee meeting was the vacancy in the Public Works Department. It was the consensus of the Personnel Committee to not replace the heavy equipment operator. Instead, a new job description will be drafted to incorporate primary duties of a sewer plant operator with secondary duties of an equipment operator.

4. UTILITIES -

- a. The Utilities Commission Meeting Minutes of March 27th were included for Council information.
- b. Office Manager Debby Floerchinger presented the Highlights Report for March, 2003. She stated that Staff has completed training and lines have been tested for the cut-over of the Central Office Switch which will take place on Tuesday, April 29th. A notice of the cut-over was included in the April bills. Management and Commission Member Steve Roe attended the MTA Convention in March. A lot of good information was received regarding future proofing the company which will be reviewed at a joint meeting to be held on September 30th at 9:00 A.M. General Manager Leaser also attended the North Central Cable Television Association convention in March. General Manager Leaser and Operations Manager Johnson have met with Vantage Point, a newly formed engineering firm regarding mapping needs. Vantage Point has proposed digitizing field sheets for the Central Office area South. Crosslake Communications will enter into a contract for 2003 not to exceed \$46,600. A total of \$50,000 was included in the 2003 budget for this line item. Due to a change in State law, all technicians are required to be licensed in order to work inside customer's homes. All technicians are attending a preparation course at Central Lakes College and will take the State test to certify them as Power Limited Technicians.
- c. The Cablevision Digital TV Report reflecting cable activity through March 2003 was included in the packet for Council information.

4. LONG RANGE CAPITAL PLANNING COMMISSION -

- a. The minutes of the March 4, 2003 meeting were included for Council information.
- b. A Long Range Capital Improvement Committee Purpose/Mission Statement dated March 19, 2003 was included for Council information.
- c. The Commission recommends the appointment of Andy Holm as an alternate member of the Long Range Capital Planning Commission. MOTION 04R-24-03 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN EGGENA TO APPOINT ANDY HOLM AS AN ALTERNATE MEMBER OF THE LONG RANGE PLANNING COMMISSION. MOTION CARRIED WITH ALL AYES. It was noted that the Commission will join the City Council, the Planning and Zoning Commission and the Healthy Community Partnership Committee

for a special meeting on April 17th to review the Comprehensive Plan.

5. PARK AND RECREATION –

- a. Park and Recreation Director Jon Henke expressed his thanks to the Whitefish Area Lions, Crosslake Ideal Lions and the American Legion Auxiliary for their donations towards the Family Fun Day program. MOTION 04R-25-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO ACCEPT WITH APPRECIATION THE DONATION OF \$250.00 FROM THE WHITEFISH AREA LIONS CLUB, \$1000 FROM THE CROSSLAKE IDEAL LIONS AND \$250 FROM THE AMERICAN LEGION AUXILARY TOWARDS 2003 FAMILY FUN DAY PROGRAMMING. MOTION CARRIED WITH ALL AYES. The registration deadline for summer baseball and softball has past so parents were urged to register their children as soon as possible so a schedule of teams can be completed. Cost for registration is \$30.00 per child. After April 15th the cost is \$35.00. Golf lessons will be offered in conjunction with Jack Stone of Crosswoods Golf Course beginning May 20th and ending June 17th. The cost per person is \$30.00 with a minimum of eight participants and a maximum of 15 participants. Yoga classes are offered two times per week on Monday's and Wednesday's. AAA is sponsoring a senior driving class on April 30th from 8:30 – 12:30. Enrollment should be arranged through AAA and interested persons should contact the Community Center for the telephone number. The fourth session of morning aerobics will start April 21st. Approval to contract with Donna Keiffer was requested. MOTION 04R-26-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO APPROVE CONTRACTING WITH DONNA KEIFFER FOR MORNING AEROBICS FROM APRIL 21ST TO MAY 29TH AT A COST OF \$374.68. MOTION CARRIED WITH ALL AYES. Tennis lessons will be offered again this summer and registrations are available at the Community Center. The Pequot Lakes Varsity and JV Baseball teams will be holding their home games at the Park this spring. The first game is scheduled for Thursday, April 17th. The first Family Fun Day was held recently with approximately 100 individuals in attendance. Jon Henke thanked the Knights of Columbus and the Crosslake/Ideal Lions for conducting fingerprinting. The Fire Department was on site with a fire truck and provided rides and tours for anyone interested and Little Pine Livery offered horse drawn wagon rides. Katie Demcho has requested use of the

Community Center for an overnight stay for the Girl Scouts. First aid training will be available on site and the police department will be notified of their stay. MOTION 04R-27-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE THE GIRL SCOUTS USE OF THE COMMUNITY CENTER FOR AN OVERNIGHT STAY ON MAY 9TH. MOTION CARRIED WITH ALL AYES. During the March 10th Council meeting, the Park Department discussed the Crosslake/Ideal Lions use of the picnic shelter for an Oktoberfest Celebration on September 27, 2003. An amendment to Chapter 4 of the City Code has been prepared by the City Attorney for Council review which would allow the temporary sale of beer and wine at the Picnic Shelter provided evidence of general liability and liquor liability coverage in an amount not less than \$500,000 each is provided to the City with the City named as an additional insured. Councilmember Eggena inquired why the ordinance amendment made no reference to use by only charitable organizations. City Attorney Sandelin stated that MS 340A.404 referenced in the amendment applies only to non-profit organizations. MOTION 04R-28-03 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO APPROVE ORDINANCE AMENDMENT NO. 177 DEALING WITH ON SALE TEMPORARY BEER, WINE OR ON SALE INTOXICATING LICENSES AT THE PICNIC SHELTER AND TO PUBLISH A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES. The Park Department also requested approval for the Crosslake-Ideal Lions to hold Oktoberfest on September 27th at the Picnic Shelter with the understanding that the Lions complete the following requirements thirty days prior to the event: (1) application for an On Sale Temporary Beer, Wine or On Sale Intoxicating License; (2) general liability and liquor liability coverage in an amount not less than \$500,000 each with the City named as an additional insured party and holding the City harmless; (3) completion of the Crosslake Park Special Event Permit which includes all of the conditions and details of the proposed event; (4) completion of the Picnic Shelter registration form; (5) Council approval of the completed On sale Temporary Beer, Wine and On Sale Intoxicating Liquor License, (6) the Lions shall follow all applicable state and local codes/statutes that pertain to the event; and (7) the Lions shall clearly define the City's role in relation to the event. MOTION 04R-29-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE THE CROSSLAKE/IDEAL LIONS OKTOERFEST CELEBRATION ON SEPTEMBER 27, 2003 AT THE PICNIC

SHELTER WITH THE UNDERSTANDING THAT THE LIONS COMPLETE THE REQUIREMENTS OUTLINED BY THE PARK DEPARTMENT AND STATED ABOVE THIRTY DAYS PRIOR TO THE EVENT. City Administrator Swenson asked what role the City would play in relation to the event and Park and Recreation Director Jon Henke stated that the city's only role is supplying the location and providing the necessary forms. MOTION CARRIED WITH ALL AYES.

6. ECONOMIC DEVELOPMENT AUTHORITY –

- a. The minutes of the February 5, 2003 meeting were included for Council information.
- b. A letter dated April 2, 2003 from Mary Ippel of Briggs and Morgan to City Administrator Swenson and County Auditor Roy Luukkonen addressed how pending legislation affects financing by the City and was provided for Council information. Rebecca Kurtz of Ehlers & Associates addressed the Council and summarized the action taken by the EDA at their April 7th meeting. A resolution was adopted by the EDA providing for the sale of revenue bonds for a 20 year term with a maturity date of 2024 with a ten year call date. Legislation is pending that requires bonds to be sold and closed by May 1st. As a result of this, the sale of the bonds is scheduled for April 28th with a closing date by April 30th. Councilmember Eggena asked whether the Council needed to approve the bonds and Ms. Kurtz stated that the EDA has the authority to sell the lease/revenue bonds. Councilmember Eggena then asked who gets hung if the City doesn't renew the lease on the facility and City Attorney Sandelin stated the EDA holds the responsibility.
- c. A copy of Resolution No. 03-01 Providing for the Sale of \$3,185,000 Public Facility Lease Revenue Bonds, Series 2003A which was adopted by the Economic Development Authority on April 7th was included for Council information.
- d. A special Council meeting is set for Thursday, April 17th at 1:00 P.M. at City Hall for the purpose of reviewing and approving various documents relating to the Joint Public Works Facility. Subsequent to this meeting a special meeting will be held on April 28th following the sale of the bonds. This will be a joint meeting with the EDA. MOTION 04R-30-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO SET A SPECIAL JOINT MEETING WITH THE EDA AND THE COUNCIL FOR MONDAY, APRIL 28TH AT 7:00 P.M. MOTION CARRIED WITH ALL AYES.

7. PUBLIC SAFETY-

- a. Sergeant Erik Lee reported 111 incidents in Crosslake and 21 incidents in Mission Township in March. An update to the Police Policy Manual was ready for Council approval. The amendment deals with the specifics as they relate to Crosslake Police Officer's participating in the Crow Wing County Tactical Team. MOTION 04R-31-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE SECTION 2-312 SUBDIVISION 2 OF THE POLICE DEPARTMENT POLICY MANUAL DEALING WITH OUTSIDE EMPLOYMENT WITH THE CROW WING COUNTY TACTICAL TEAM. MOTION CARRIED WITH ALL AYES. A sample of the new logo which will be used by the Police Department was passed around for the Council to look at. Fire Chief Keith Anderson and Assistant Chief Jeff Cripps presented a check to Erik Lee in the amount of \$200 from the Fire Department Relief Association to be used towards the purchase of City owned equipment required for participation in the Crow Wing County Tactical Team. Fire Chief Anderson reported 4 medical calls and one structure fire in March. Chief Anderson quipped that the fire truck got driven more during Family Fun Day than it has been driven the seven years the Fire Department has owned it. Everyone was reminded that there are no burning permits being issued due to the dry conditions except by the DNR in very specific situations.

8. SEWER COMMITTEE – Chairman Dean Swanson addressed the Council and stated that the minutes of the February 12, 2003 meeting and the minutes of the March 12, 2003 meeting were included for Council information. A letter dated April 7, 2003 from City Engineer Dave Reese reviewed four issues which were to be researched by WSN and brought back to the Sewer Committee. City Engineer Reese reviewed the findings of fact obtained by WSN for each of these situations with the Council. These issues included: (1) discharge of raw sewage into the Mississippi River by the City of Brainerd; (2) phosphorus load levels in the Pine River caused by treatment plants; (3) failure of the Dassell, Minnesota treatment facility; and (4) backup plan for the City of Crosslake should the treatment plant fail. The first pay request for Contract No. 1 from KHC Construction was reviewed by WSN and WSN recommended that \$46,945 be paid to KHC. This pay request includes reimbursement for bonds, insurance and overhead associated with shop drawing submittals. MOTION 04R-32-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE PAY REQUEST #1 FROM KHC CONSTRUCTION IN THE AMOUNT OF \$46,945. MOTION CARRIED WITH MAYOR SWANSON AND COUNCILMEMBERS MILLER AND SCHULTZ VOTING AYE AND COUNCILMEMBERS EGGENA AND PHILLIPS VOTING NAY. A

letter dated April 11, 2003 from Mary Ippel of Briggs and Morgan, bond counsel for the City, reviewed pending legislation in regards to the issuance of bonds by the City for the Sewer Project and informed the City that the City can approve the issuance of the bonds with a simple majority of a quorum of the governing body. Rebecca Kurtz of Ehlers & Associates addressed the Council and echoed the position that Mary Ippel took in regards to bonding by stating that the pending legislation regarding the issuance of bonds is not an issue with the sewer project since the contracts were entered into prior to January 1, 2003. Two handouts were distributed showing the two separate bond issues that will be sold. The first issue in the amount of \$2,870,000 in General Obligation Water and Sewer Bonds will be paid back with levies and will mature in 2014 with a ten year call date. These bonds will be sold competitively on the open market. The second issue in the amount of \$1,055,000 in General Obligation Water and Sewer Revenue Bonds will be marketed locally to the four banks over a ten-year term maturing in 2014 with a callback at any time. This bond issue will be paid from connection fees. It was noted that there are no assessments associated with the bond sale. Rebecca Kurtz stated that the bonds have been structured with a 5.4% interest rate, however, bonds are being sold at the lowest they have been in 40 years. While the future cannot be predicted, the estimates appear to be favorable. On May 1st the official statement will be released and the bond sale will take place May 12th. The money will be available June 9th. Because the aggregated amount of bonds in the City is over \$10 million dollars there is information that the underwriters will need and Ehlers & Associates will work with City staff to obtain this information. Resolutions for each issue are required calling for the sale on May 12th. MOTION 04R-33-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE RESOLUTION NO. 03-08 PROVIDING FOR THE SALE OF \$1,055,000 GENERAL OBLIGATION WATER AND SEWER REVENUE BONDS. MOTION CARRIED WITH MAYOR SWANSON AND COUNCILMEMBERS MILLER AND SCHULTZ VOTING AYE AND COUNCILMEMBERS EGGENA AND PHILLIPS VOTING NAY.

MOTION 04R-34-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE RESOLUTION NO. 03-09 PROVIDING FOR THE SALE OF \$2,870,000 GENERAL OBLIGATION WATER AND SEWER REVENUE BONDS. Chair Dean Swanson commented that the money from the bond issues plus the \$2,500,000 from the Telephone Company, will allow for \$6,425,000 for the project. Councilmember Eggena stated that amount is almost a half million dollars more than originally projected. City Administrator Swenson stated that in December, the project cost was estimated at \$6.2 million, but this amount was later revised to include updated legal costs, administrative costs, cost of equipment, and financing of capitalized interest payments. MOTION CARRIED WITH MAYOR SWANSON

AND COUNCILMEMBERS MILLER AND SCHULTZ VOTING AYE
AND COUNCILMEMBERS EGGENA AND PHILLIPS VOTING NAY.

Councilmember Eggena inquired about the Guminga property mentioned in the March 12, 2003 minutes where the Sewer Committee directed City Attorney Sandelin to begin condemnation proceedings. City Attorney Sandelin stated that the Council did approve condemnation where the property owner would not give the City an easement and no other location was suitable for use. Councilmember Phillips asked why some were easements and some property was purchased and Chairman Swanson stated that property, where lift stations will be situated, were purchased due to the need for access by the City. It was noted, however that some property owners have been compensated for easements.

11. **RECYCLING** – Councilmember Phillips reported the collection of 11.86 tons of recyclables in March. This brings the year to date number collected at 30.33 tons.
12. **LIBRARY** – Co-Chair Alden Hardwick addressed the Council and distributed a Prospectus which will be used in the fund raising activities. A meeting has been scheduled with Councilmembers Eggena and Phillips to bring them up to date with the activities of the Library Committee since inception. The minutes of the March 17th meeting were included for Council information.

H. OLD BUSINESS - Councilmember Phillips asked if the outstanding septic system issues have been resolved and Nancy Vernon stated that City Attorney Steve Qualley informed her that the Court deadline for compliance is set for the end of May.

I. NEW BUSINESS - None

J. PUBLIC FORUM - None

K. ADJOURN - MOTION 04R-35-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO ADJOURN THIS REGULAR COUNCIL MEETING AT 11:00 P.M. MOTION CARRIED WITH ALL EYES.

Recorded and transcribed by,



Darlene J. Roach
City Clerk/Treasurer

Shared - REGULAR COUNCIL MEETING – April 14, 2003

BILLS FOR APPROVAL
14-Apr-03

VENDORS	DEPT	AMOUNT
Ace Hardware, carpet for float	Gov't	29.00
Ace Hardware, float material	Gov't	6.43
Ace Hardware, float material	Gov't	10.48
Ace Hardware, molding	Gov't	25.50
Ace Hardware, pipes, pvc	PW	35.40
Ace Hardware, bulb	PW	13.18
Ace Hardware, paint	PW	46.84
Ace Hardware, braces	PW	9.23
Ace Hardware, bleach, varnish	PW	24.68
Ace Hardware, hitch pin	P&R	2.01
Alex Air Apparatus, 5 gallon pails foam	Fire	248.15
Alex Air Apparatus, solanoid, acd kit, filters	Fire	340.80
Alpha Video and Audio, video camera	Gov't	1,203.16
Alpha Video and Audio, repair old video camera	Gov't	105.98
Andy Anderson, p and z commission meetings	P&Z	75.00
Anoka Hennepin Tech., hbff course	Fire	522.00
Blue Lakes Disposal, trash removal	ALL	93.61
Brandanger Office Supply, name plates	P&Z	27.56
Business Forms, payroll checks	Admin	226.18
Cascade Computers, new hub	Gov't	214.60
Cellular One, cell phone charges	PW	27.29
Cellular One, cell phone charges	Police	117.82
Chief Supply, padded h-back	Fire	40.01
Chuck Miller, rekey locks	Gov't	40.00
City of Crosslake, building permit	PW	189.00
Council #65, union dues	ALL	205.10
Crosslake Bottle Gas, 2 tanks	Cemetery	98.00
Crosslake Bottle Gas, 3 tanks	Cemetery	147.00
Crosslake Bottle Gas, 4 tanks	Cemetery	196.00
Crosslake Communications, phone, fax, cable, internet	ALL	1,153.51
Crosslake Communications, reimburse camera repair cost	Gov't	105.98
Crosslake Rolloff, recycling	Gov't	2,450.00
Crow Wing County Highway Dept, salt	PW	209.99
Crow Wing County Recorder, file fee for cup	P&Z	20.00
Crow Wing County Treasurer, letters/pankratz	PW	35.00
Crow Wing County Treasurer, audit confirmation	Gov't	10.00
Crow Wing County Treasurer, e911 address fees	Gov't	100.00
Crow Wing County Treasurer, property tax	Gov't	574.08
Crow Wing Power, electric utilities	ALL	1,472.78
Culligan, water and cooler rental	PW/Admin	51.12
Dacotah Paper, cups, paper towels	P&R	75.68
Dahlgren Shardlow and Uban, comp plan update	Gov't	247.09
Dean Brodin, p and z commission meeting	P&Z	25.00
Deferred Comp	ALL	1,186.92
Delta Dental, dental insurance	ALL	1,192.20

Echo Publishing, p and z meeting 3-28	P&Z	101.25
Echo Publishing, ordinance 170	P&Z	27.00
Echo Publishing, ordinance 171	P&Z	27.00
Echo Publishing, ordinance 172	P&Z	27.00
Echo Publishing, ordinance 173	P&Z	27.00
Echo Publishing, ordinance 174	P&Z	27.00
Echo Publishing, employment ad	P&Z	33.30
Echo Publishing, employment ad	P&Z	33.30
Echo Publishing, assessment notice	Admin	47.20
Fortis, disability	ALL	203.16
Fyles Jet Flush, thaw frozen lines	PW	110.00
Fyles Honey Wagon, pump septic tank	PW	115.00
Gammello Sandelin & Qualley, legal fees	ALL	9,954.94
Hillyard, vaccuum cleaner bags	P&R	14.32
Holiday Station, fuel	Fire	82.87
Holiday Station, propane	P&R	21.81
Holiday Station, fuel	Police	14.89
Houston Ford, engine check	Police	197.30
Houston Ford, oil change	Police	22.41
Jack Huber, p and z commission meeting	P&Z	25.00
Johnson Candy, parade supplies	Gov't	115.72
Johnson Killen Seiler, 2003 labor negotiations	Gov't	154.00
Jon Henke, petty cash	P&R	82.90
Kulzer Painting, painting	Gov't	720.00
Lakes Area Rental, engine oil	P&R	7.99
Lakes Area Rental, chain oil	P&R	8.41
Lakes Area Rental, sharpen chain	P&R	10.00
Lakes Area Rental, bar oil	P&R	4.21
Lakes Area Rental, oil, saw chains, chain oil	PW	30.25
Lakes Area Rental, chain saw rental	PW	425.99
Lakes Area Rental, magnet	Gov't	10.65
League of MN Cities, safety and loss control workshop	Gov't	40.00
League of MN Cities Insurance Trust, workers comp insurance	Gov't	19,581.00
Little Pine Livery, wagon rides	P&R	100.00
Makeit Drafting Service, maps	Gov't	548.07
Marco, bookcase	P&Z	101.18
Martin Communications, repair radio	Fire	25.28
Mastercard, Arrowwood Resort, lodgin for school	Admin	126.21
Mastercard, Batteries Plus, batteries	Sewer/Govt	95.83
Mastercard, Home Depot, metal stakes, seafoam	Gov't	308.54
Mastercard, Menards, base molding	Gov't	106.59
Mastercard, Menards, safety glass, tape measure, ant trap	P&R	32.72
Mastercard, Menards, steel, fiberglass, tape	Police	66.08
Mastercard, Menards, oak brackets and board	Gov't	40.97
Mastercard, Northern Tool, propane torc	Cemetery	29.81
Mastercard, Oriental Trading Company, family fun day prizes	P&R	27.75
Mastercard, Ramada Inn, lodging	PW	310.09
Mastercard, Sherwin Williams, paint	Gov't	72.31
Mastercard, Target, parade supplies	Gov't	20.68
Mastercard, Target, video tapes/supplies	P&R	22.28
Mastercard, Walmart, parade supplies	Gov't	27.48

Medica, health insurance	ALL	11,084.71
Minnesota Pollution Control Agency, wq annual permit fee	Gov't	1,450.00
MN Benefits	Admin	100.92
MN Chiefs of Police, multi jurisdiction network	Police	250.00
MN DNR, license #144-65-5597 ck#	Gov't	335.00
MN DOT, design and safety of pedestrian facilities training	P&Z	80.00
MN Fire Service Certification Board, recertification applications	Fire	75.00
MN Life, life insurance	ALL	198.10
MN Social Services, child support	PW	206.00
MN State Fire Department, certification	Fire	200.00
Moonlite Square, fuel	P&Z	23.95
Moonlite Square, fuel	Fire	104.66
Nancy Koch, p and z commission meetings	P&Z	75.00
Nancy Vernon, reimburse mileage	P&Z	78.48
NCPERS-Life Insurance	ALL	144.00
Northern Lakes Nursery, limestone	PW	617.70
Northern Lakes Nursery, red limestone	PW	435.00
North Memorial Mecical Center, ems educations	Fire	630.00
Northstar Willys, carburetor	Fire	183.00
Olaf Olsen, p and z commission meetings	P&Z	75.00
PERA	ALL	N/A
Pitney Bowes, ink cartridges	Admin/P&Z	103.07
Pitney Bowes, envelope sealer	Admin/P&Z	39.19
Reed's Market, sentence to serve	PW	92.75
Reed's Market, sentence to serve	PW	67.52
Reed's Market, sentence to serve	PW	43.81
Reed's Market, sentence to serve	PW	37.28
Reed's Market, sentence to serve	P&R	33.55
Reed's Market, sentence to serve	P&R	56.73
Reed's Sporting Goods, ammuniton	Police	95.85
Richard Dietz, p and z commission meetings	P&Z	50.00
Roach's Lawn & Marine, grommet	Fire	2.56
Roach's Laen & Marine, fuel bulb, fuel line	Fire	16.60
Rohlfing, parade supplies	Gov't	16.39
Star Tribune, classified ad	P&Z	361.30
State and Federal Taxes	ALL	N/A
Streicher's, magazines	Police	90.47
Streicher's, uniform	Police	68.85
Streicher's, die struck letters	Police	20.66
Ted Strand, reimburse mileage and travel expenses	PW	137.66
Ted Strand, reimburse base molding	Gov't	176.52
Terry Curtis, p and z commission meetings	P&Z	50.00
The Backup Training Corp., training class	Police	45.95
The Office Shop, frames, paper, ink cartridge	Admin/P&Z	49.96
The Office Shop, organizing trays	Admin	72.24
The Office Shop, ink cartridges and stir straws	Admin/Gov	59.94
The Office Shop, markers, legal pads, phone message forms	Admin	16.74
The Office Shop, binder clips, paper clips, folders	Admin	28.91
Tom Swenson, vehicle allowance	Admin	400.00
Top Job Office Cleaning, march cleaning	Gov't	692.25
Triangle Oil, unleaded gasoline	PW	623.63

Triangle Oil, unleaded gasoline	PW	464.26
Triangle Oil, diesel fuel	PW	93.15
Triangle Oil, diesel fuel	PW	495.45
Triangle Oil, unleaded gasoline	PW	269.97
University of Minnesota, shoreland class	P&Z class	35.00
US Bank, administrative services	Gov't	147.81
Viking Industrial North, vests, gloves, cones, flashers, batteries	PW	619.80
Whitefish Automotive, oil change	Police	23.60
Widseth Smith Nolting, engineering fees	ALL	25,123.81
Xcel Energy, gas utilities	ALL	2,592.67
Ziegler Cat,	PW	6.39
Ziegler Cat, filter, paint, belt	PW	126.44
Ziegler Cat, v belt set	PW	27.24
Ziegler Cat, slopometer	PW	175.30
TOTAL		97,691.89

ADDITIONAL BILLS FOR APPROVAL
14-Apr-03

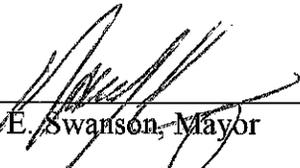
VENDOR	DEPT	AMOUNT
Commissioner of Transportation, spring maintenance expo	PW	55.00
Mastercard, Fleet Farm, rags, bar chain, dry oil	PW	45.35
Office Max, laminating sheets and sheet protectors	P&R	30.86
Streicher's - Lorch/Lee/Swanson - uniform allow	PD	179.98
Ehler's & Assoc - Amortization schedule for PW	Joint Facility	150.00
Johnson, Killen & Seiler, P.A. - prof svcs -	PW	462.00
MN Dept of Econ Sec - unemployment	Park	9.22
Brainerd Med Ctr - random drug testing	PW	40.58
Viking Coke - pop	Gov't	32.38
Dahlgren Shardlow and Uban - professional svcs	Gov't	297.93
Emergency Automotive Technology - squad set up	PD	3,604.06
Chief's Supply - antenna, pathogen kit, tapes, mace	PD	173.12
TOTAL		5,080.48

CITY OF CROSSLAKE

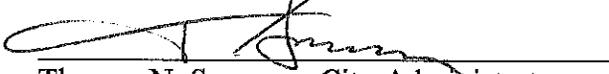
RESOLUTION NO. 03-06

The Crosslake City Council at its April 14, 2003 Regular Council Meeting approved a Minnesota Lawful Gambling Application for Exempt Permit (LG220) for Edina Realty Foundation, a non profit organization authorizing the sale of raffle tickets within the City of Crosslake for a playhouse/storage shed.

Adopted this 14th day of April, 2003



Darrell E. Swanson, Mayor



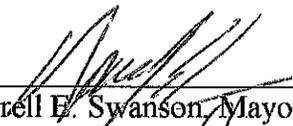
Thomas N. Swenson, City Administrator

CITY OF CROSSLAKE

RESOLUTION NO. 03-07

The Crosslake City Council at its April 14, 2003 Regular Council Meeting approved a Minnesota Lawful Gambling Application for Exempt Permit (LG220) for the Brainerd Lakes Area Chamber of Commerce, a non profit organization authorizing the sale of raffle tickets within the City of Crosslake for a snowmobile. The proceeds of the raffle will help support the 4th of July Celebration in the City.

Adopted this 14th day of April, 2003



Darrell E. Swanson, Mayor



Thomas N. Swenson, City Administrator

RESOLUTION No.03-08

Councilmember Charles (Chuck) Miller introduced the following resolution and moved its adoption:

**Resolution Providing for the Sale of
\$1,055,000 General Obligation Water and Sewer Revenue Bonds**

WHEREAS, the City of Crosslake, Minnesota, (the "City") has heretofore determined that it is necessary and expedient to issue \$1,055,000 General Obligation Water and Sewer Revenue Bonds (the "Bonds"), to finance the construction of a sewer project in the City; and

WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent financial advisor for the Bonds and is therefore authorized to solicit proposals in accordance with *Minnesota Statutes*, Section 444.075

NOW, THEREFORE, BE IT RESOLVED by the City of Crosslake, Minnesota, as follows:

Authorization; Findings. The City Council hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.

Meeting; Proposal Opening. The City Council shall meet at 7:00 p.m. on May 12, 2003, for the purpose of considering sealed proposals for and awarding the sale of the Bonds.

Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the EDA upon its completion.

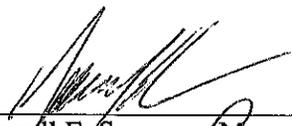
The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Irene Schultz and, after full discussion thereof and upon a vote being taken thereon, the following Councilmembers voted in favor thereof:

Swanson, Miller and Schultz

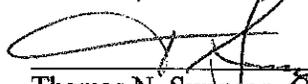
and the following voted against the same: Eggena, Phillips

Whereupon said resolution was declared duly passed and adopted.

Dated this 14th day of April, 2003.



Darrell E. Swanson, Mayor



Thomas N. Swenson, City Administrator

RESOLUTION NO. 03-09

Councilmember Charles (Chuck) Miller introduced the following resolution and moved its adoption:

**Resolution Providing for the Sale of
\$2,870,000 General Obligation Water and Sewer Revenue Bonds**

WHEREAS, the City of Crosslake, Minnesota, (the "City") has heretofore determined that it is necessary and expedient to issue \$2,870,000 General Obligation Water and Sewer Revenue Bonds (the "Bonds"), to finance the construction of a sewer project in the City; and

WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent financial advisor for the Bonds and is therefore authorized to solicit proposals in accordance with *Minnesota Statutes*, Section 444.075

NOW, THEREFORE, BE IT RESOLVED by the City of Crosslake, Minnesota, as follows:

Authorization; Findings. The City Council hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.

Meeting; Proposal Opening. The City Council shall meet at 7:00 p.m. on May 12, 2003, for the purpose of considering sealed proposals for and awarding the sale of the Bonds.

Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the EDA upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Irene Schultz and, after full discussion thereof and upon a vote being taken thereon, the following Councilmembers voted in favor thereof:

Swanson, Schultz and Miller

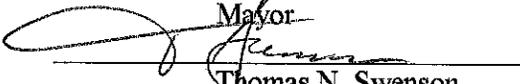
and the following voted against the same: Phillips and Eggena

Whereupon said resolution was declared duly passed and adopted.

Dated this 14th day of April, 2003.



Darrell E. Swanson,
Mayor



Thomas N. Swenson,
City Administrator