

SPECIAL COUNCIL MEETING  
CITY OF CROSSLAKE  
WEDNESDAY, MAY 9, 2001  
2:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Wednesday, May 9, 2001. The following Councilmembers were present: Mayor Darrell Swanson, Sandy Eliason, Charles (Chuck) Miller, Irene Schultz and Dean Swanson. Also present was City Administrator Thomas (Tom) Swenson, City Attorney Paul Sandelin, City Engineer Dave Reese, Community Development Director Paul Larson, Public Works Director Ted Strand and Clerk Darlene Roach. There were approximately five individuals in the audience.

1. Call to Order - Mayor Swanson called the Special Meeting to order at 2:01 P.M.
2. Storm Drainage Alternatives – Downtown Commercial District – City Engineer Dave Reese stated that at the last Council Meeting, the issue of drainage in the downtown area was discussed. At that time, the Council referred the issue back to the Public Works Commission for further review and to the Planning and Zoning Commission for their input. A letter dated May 3, 2001 from City Engineer Dave Reese outlined the reasons why it would be beneficial for the City to control the Storm Water Drainage Utility in the Downtown Commercial District. He stated that the public would benefit if the municipality controlled the storm water management. The issue of maintenance, and whether it is done properly, can best be assured when it is completed by the City versus individual property owners or associations. City Attorney Paul Sandelin, in a letter dated May 8, 2001 to the Mayor and City Council, addressed the potential liability issues if the City accepts the easements for storm water and drainage. That liability is covered or protected through the City's liability insurance policy. In addition, the City may have discretionary immunity against any claims that would arise from this potential liability. His letter further stated that under Minnesota law, a municipality has immunity from certain claims based upon the performance or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused. Operational level decisions, on the other hand, are not immune and involve decisions relating to the ordinary day-to-day operations of the government. It was Attorney Sandelin's opinion that a decision involving the stormwater drainage and stormwater system for the City seems to fall within the discretionary function of the City, because it involves a policymaking activity by the City Council. However, he advised the Council to use precautionary means by way of fencing or signage to advise the public of any potential danger.

City Engineer Dave Reese commented that the City would have a means of collecting money for repairs from benefiting property owners if the Council's decision is to take over the storm water management.

Mayor Swanson asked Community Development Director Paul Larson for comments from the Planning and Zoning Commission. The Planning and Zoning Staff contacted Attorney Paul Sandelin regarding whether a variance was required if the stormceptor approach was used versus drainage via natural drainage through the wetlands. Attorney Sandelin stated that the City and Developer are setting ground rules as the project progresses, so this would not be a variance issue but rather a Specific Implementation Plan and General Implementation Plan issue. The Planning and Zoning Commission reviewed the stormceptor, as an alternative method for storm water treatment in Crosswoods Development, at their April 20, 2001 meeting. A motion was made to approve the concept that an alternate means of treatment may be used for storm water within the downtown area without a variance as long as equal or better treatment is attained as required by the Ordinance and that the intent of the Specific Implementation Plan approved for Crosswoods Development is met.

Councilmember Miller stated that there are really two issues before the Council. One issue involves the Developer's use of a stormceptor and the second issue involves whether the City wishes to obtain easements from property owners for storm water runoff. Councilmember Miller suggested that each issue be handled separately.

MOTION 05S1-01-01 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE CONCEPT OF OBTAINING EASEMENTS FOR THE PURPOSE OF OWNERSHIP FOR THE DRAINAGE SYSTEM IN THE DOWNTOWN DISTRICT OF CROSSWOODS DEVELOPMENT. City Administrator Tom Swenson stated that he has a concern regarding who obtains the easements and whether Del Anderson has been contacted. City Engineer Dave Reese stated that he has met with Del Anderson and was informed that Mr. Anderson has plans for developing his property, but is not as far along as the other developers. It was agreed that his area would be included in the storm water design. The Council inquired whether the drainage plan was the same as shown in the Master Plan. City Engineer Dave Reese stated that the drainage is the same, but the Master Plan showed sedimentation ponds. However, after review by Crow Wing County Soil and Water this was not found to be the best plan. Councilmember Swanson asked if the wetlands were staying as they currently are and whether Soil and Water had any concerns with wetland filling. City Engineer Dave Reese stated that the wetlands were staying as they currently are today and Soil and Water positioned their approvals that any filling would be reviewed carefully. Councilmember Swanson asked if easements would cover the retention ponds also and he was told that they would. MOTION CARRIED WITH ALL AYES.

Regarding the Developer's use of a stormceptor, a motion was made by Councilmember Miller that the City does not accept the concept of a stormceptor plan based on information obtained from the Public Works Commission and from outside sources who have cautioned against this type of treatment. The motion

died for lack of a second. MOTION 05S1-02-01 WAS MADE BY SANDY ELIASON AND SECONDED BY IRENE SCHULTZ TO APPROVE THE CONCEPT THAT AN ALTERNATIVE METHOD OF STORM WATER MANAGEMENT, BY MEANS OF USING A STORMCEPTOR, BE ACCEPTED RESERVING THE CITY'S RIGHT FOR A PERIOD OF TWO YEARS TO REVISIT THE ISSUE BASED ON THE PERFORMANCE OF THE STORMCEPTOR. Public Works Director Ted Strand stated that, while he has no experience in the use of a stormceptor, has spoken with other maintenance individuals in the industry who told him they have had nothing but problems with the stormceptor since they must be watched and maintained on a regular basis. Build up in the stormceptor decreases the detention and, therefore the efficiency of the system. He stated that special equipment is required to maintain the equipment and is very costly. Also, the product that comes out of the stormceptor has to be disposed of in a proper manner. Councilmember Schultz asked if there was any other system that Ted Strand could recommend. Ted Strand stated that the only system he is familiar with is the pond system. City Engineer Dave Reese stated that the stormceptor is a structure which requires vacuuming with a vacuum truck. He stated that Tony Fyle has been contacted and he does have the equipment available at a charge of \$150 per hour of service. City Engineer Dave Reese stated that the City of Baxter works with Crow Wing Power on a rental basis to clean out stormwater manholes. Otherwise, there are not many other locations outside the metro area with past experience and cost projections for upkeep. Some private developers have installed stormceptors and Mayor Swanson asked if there were any in the Brainerd Lakes Area that could be looked at. City Engineer Dave Reese stated that a stormceptor has been installed near Lakeshore by a private developer, however no information has been obtained from the developer regarding maintenance. Mayor Swanson stated that he has received comments that the stormceptor is a high maintenance item and is difficult to work with based on the expertise of an anonymous person. Mayor Swanson stated that it is unfortunate that the engineering firm does not have the expertise or experience in the use of a stormceptor due to their working in the rural areas of Minnesota. Mayor Swanson stated that he would like to hear expert testimony from people who have cleaned them out. City Engineer Dave Reese stated that the stormceptor being proposed also utilizes a pond in addition to the stormceptor. Councilmember Eliason asked why both will be used and she was told that the reason is to trap some of the sediments before they get to the stormceptor. The location of the stormceptor was discussed and City Engineer Dave Reese stated that it would be desirable to place the stormceptor in an area of strength where it is easily accessible with a cover much like a manhole cover. Councilmember Schultz asked if the area is big enough to put in a pond large enough to handle the run-off. City Engineer Dave Reese stated that there is enough area, but the developer would lose a large amount of developable land which would result in financial consequences. Councilmember Swanson stated that he can see the developer's side of the issue, but can also see the City's concerns. Mike Stone addressed the Council and stated that he would share some of the same concerns that the Council has if it were not for the pond. He stated

that 99% of the sediments would be precipitated into the pond prior to getting to the stormceptor. Mike Stone stated that the stormceptor meets the MPCA storm water guidelines and is even stricter than State guidelines. City Administrator Swenson stated that there could be a problem later, if the stormceptor does not work and a smaller pond has been utilized and the area surrounding the pond has been developed. Mike Stone stated that the block with the pond in it is not being developed at this time. The City could put a condition, to enlarge the pond, in the SIP for that block at the time of development if the stormceptor is not working. Mary Kolesar stated that Jim Anderson has painted just the opposite picture of the use of the stormceptor than previously mentioned and is supportive of its use. MOTION CARRIED WITH ALL AYES.

Regarding maintenance of the stormceptor, it was agreed that this issue would be discussed at a future meeting in order to allow Staff time to review the issues. City Administrator Tom Swenson stated that he has concerns with maintenance and that it would be a major process to recoup the costs. Mayor Swanson suggested that the City Engineer review the various issues.

Mike Stone commented that the groundbreaking ceremonies are scheduled for Friday, May 11<sup>th</sup> at 3:00 P.M.

2. Review of 2000 Audit - Judy Moravec, Certified Public Accountant with the firm of Mathias Justin, Ltd. was present to review the 2000 audit. The audit found the City's books to be in good order with an increase in cash with reserves and fund balances remaining about the same as in 1999. It was noted that the proprietary funds are audited by another firm and combined with the City's audit. Judy Moravec complimented City Administrator Tom Swenson and Clerk/Treasurer Darlene Roach on a good audit. MOTION 05S1-03-01 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO ACCEPT THE 2000 AUDIT AS PRESENTED. Mayor Swanson and Councilmember Miller thanked Tom Swenson and Darlene Roach for a good audit. MOTION CARRIED WITH ALL AYES.
3. Removal of City Road Assessments from Tax Statements – When assessments were certified to the County Auditor for the 2000 road projects, the City inadvertently included three assessments against lots owned by the City on Tall Timber Trail. In order to remove the assessments from the tax statements once they have been certified, a motion by the City Council to remove the assessments is required. MOTION 05S1-04-01 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO REQUEST THAT THE COUNTY AUDITOR DELETE THE ASSESSMENTS FOR PROPERTY ID NUMBERS 14217002005009, 142170020010009 AND 142170020060009 FROM THE ASSESSMENT ROLL FOR THE TALL TIMBER TRAIL PROJECT AS THESE PARCELS ARE OWNED BY THE CITY AND THE CITY HAS ALREADY INCLUDED THE COSTS BEING ASSESSED AGAINST THESE PARCELS THAT PORTION OF THE

COST OF THE PROJECT BEING PAID BY THE CITY. MOTION CARRIED WITH ALL AYES.

4. Approval of Bills for Payment – MOTION 05S1-05-01 WAS MADE BY DEAN SWANSON AND SECONDED BY IRENE SCHULTZ TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$109,577.06. MOTION CARRIED WITH ALL AYES.

Two special meetings were scheduled by the City Council. The first meeting set for May 17, 2001 at 1:00 P.M. will be for the purpose of reviewing the recent approval to transfer the off sale liquor license for Michael and Sharon Seeker. City Attorney Sandelin was directed to work on revisions to the Liquor Ordinance which will also be reviewed at this meeting. A public hearing was set for June 6, 2001 at 9:30 A.M. for the purpose of reviewing the after-hours violation citation at Zorbaz Restaurant.

City Administrator Tom Swenson has had a conversation with Ron DeLaHunt, President of the Crosslake/Ideal Lions Club regarding a “Welcome to Ideal Township” and a “Welcome to Crosslake” sign on CSAH #16. MOTION 05S1-06-01 WAS MADE BY DEAN SWANSON AND SECONDED BY SANDY ELIASON TO AUTHORIZE CITY ADMINISTRATOR TOM SWENSON SENDING A LETTER TO THE LIONS CLUB INDICATING THE CITY’S APPROVAL TO ADD THE WELCOME TO CROSSLAKE SIGN TO THE BACK OF THE WELCOME TO IDEAL TOWNSHIP SIGN ON CSAH #16. MOTION CARRIED WITH ALL AYES.

Councilmember Eliason stated that she would be attending the Kitchigami Regional Board meeting on May 17<sup>th</sup> as an observer.

MOTION 05S1-07-01 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO ADJOURN THIS SPECIAL COUNCIL MEETING AT 4:00 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by;



Darlene J. Roach  
Clerk/Treasurer

BILLS FOR PAYMENT				
09-May-01				
VENDOR		DEPT		AMOUNT
Ace Hardware - bolts		PW		\$3.99
Ace Hardware - cable switch		Park		\$3.18
Ace Hardware - funnel		Park		\$4.25
Ace Hardware - nuts		PW		\$1.28
Ace Hardware - paint		PW		\$12.75
Ace Hardware - primer, pvc cement		Park		\$14.98
Ace Hardware - white flags		PW		\$8.09
Banyon - WinPay Conversion		Adm		\$300.00
Blue Lakes - trash removal		Gov't		\$29.25
Blue Lakes - trash removal		PW		\$14.63
Blue Lakes - trash removal		Park		\$49.73
Brainerd Dispatch - ads		P&Z/Adm		\$112.88
Brandanger - name plates		P&Z		\$26.59
Champlain Planning - Comm Guide		P&Z		\$121.00
Chuck Miller - 6 keys		PW		\$7.50
Complete Title - Owners & Encumb		Sewer		\$2,100.00
Compress Air - work on compressor		Fire		\$3.82
Council #65 - union dues		All		\$83.25
Crosslake Auto - service call		Police		\$30.00
Crosslake Auto - towing		Police		\$460.00
Crosslake Bottle Gas - propane		PW		\$98.00
Crosslake Comm - phone/fax/internet		All		\$1,054.90
Crosslake Comm - safety vests		PW/Pol		\$170.35
Crosslake Rolloff		Recycle		\$1,950.00
Crow Wing Auto Body - stripe squad		Police		\$108.00
Crow Wing County - taxes		PW		\$10.66
Crow Wing County - taxes		Gov't		\$15.00
Crow Wing County - taxes		Park		\$110.82
Crow Wing County - taxes		Park		\$81.99
Crow Wing County - taxes		PW		\$15.00
Crow Wing County - taxes		Gov't		\$15.00
Crow Wing County - taxes		Gov't		\$137.41
Crow Wing County - taxes		Gov't		\$137.41
Crow Wing County - taxes		Gov't		\$137.41
Crow Wing County - taxes		Gov't		\$137.41
Culligan - bottled water		Gov't		\$38.34
CW Cty Recorder - filing fees		P&Z		\$58.50
Dacotah Paper - tissue		Park		\$24.36
Dacotah Paper - towels, tissue, cleaner		Park		\$250.11
Deferred Comp		All	N/A	
Delta Dental - dental insurance				\$794.50
Echo Publishing - ad		Adm		\$16.63
Echo Publishing - ad		Adm		\$10.25
Echo Publishing - ad		P&Z		\$14.35
Echo Publishing - ad		P&Z		\$23.28
Echo Publishing - ad		P&Z		\$14.35
Echo Publishing - ad		P&Z		\$23.28

Echo Publishing - ad		Adm		\$16.63
Echo Publishing - ad		Adm		\$32.10
Echo Publishing - adv for bids		Roads		\$125.40
Echo Publishing - Ord 140		P&Z		\$22.75
Echo Publishing - Ord 141		P&Z		\$22.75
Ehlers & Assoc - rev ord,rev ERU impacts		Sewer		\$250.00
Fire Protection Equip - service		Fire		\$184.20
Fire Protection Equip - service		Park		\$39.50
Fire Protection Equip - service		Police		\$49.23
Fire Protection Equip - service		PW		\$248.23
Fire Protection Equip - service		Gov't		\$17.00
Fleet Farm - strobe lights, grass seed		PW/CC		\$204.79
Food Svc - cookies		Park		\$113.53
Fortis - disability				\$149.77
Gateway Computer - Computer		Park		\$2,913.37
Graffix Shoppe - Veh Marking Kit		Police		\$367.50
Holiday - gasoline		P&Z		\$48.33
Holiday - gasoline		Fire		\$168.07
Holiday - gasoline		Police		\$301.18
Home Depot - fertilizer		PW/CC		\$1,446.16
Houston Ford - oil, filter, lube		Police		\$20.77
Jim's Electric - service call/repair water heater		Park		\$92.61
Lakes Area Rental - bar oil		PW		\$31.80
LaSalle - fire truck payment		Fire		\$23,697.56
League of MN Cities - directory		Gov't		\$39.00
League of MN Cities - handbook		Gov't		\$60.00
League of MN Cities - registration		Council		\$295.00
Mathias Justin - audit		Audit		\$4,300.00
Medica -				\$6,889.52
Mike Amsden - travel expenses		PW		\$72.14
Mike Amsden - hotel		PW		\$136.69
MN Benefits		All	N/A	
MN Dept of Econ Sec - unemployment		PD/Gov't		\$2,528.60
MN Dept of Public Safety - class		Police		\$120.00
MN Life (includes telephone company empl)		All	N/A	
MN Ncpers - employee paid life insurance		All		\$108.00
Moonlite Square - gasoline		Fire		\$108.60
Moonlite Square - gasoline		Police		\$320.15
MTA - education training		Gov't		\$2,530.00
Napa - chain, link		PW		\$185.68
NCPERS - life insurance		All	N/A	
Northwood Turf - battery		Park		\$56.39
Office Max - key cabinet, ink cartridges,		Park		\$117.09
Office Shop - copier paper		Park/Adm/PD		\$445.70
Office Shop - correction liquid		Adm		\$4.03
Office Shop - receipt books, pen, steno pads etc.		Adm/P&Z/Govt		\$104.70
Payroll/Council & Employee		All	N/A	
PERA		All	N/A	
Postal Privilege - sealing solution		Adm/P&Z		\$46.16
Quill - dry easer board		Fire		\$199.99
R.N. Lee - gold badges		Police		\$140.25

Reed's - coffee, tylenol		Gov't		\$24.05	
Reed's - food for Sentence to Serve		PW		\$57.39	
Reed's - food for Sentence to Serve		PW		\$50.99	
Robert Nelson - reimb assessment		Wilderness		\$300.64	
Robert Willard - reimburse class		PD		\$5.00	
Samaritan Tire - tires		Police		\$205.14	
Sonya Kosloski - travel expenses		Fire		\$156.95	
State/Federal Taxes		All	N/A		
US Bank - ESC payment		Debt Svc		\$12,375.00	
Viking Coke - pop		Park		\$35.84	
Viking Coke - pop		Gov't		\$40	
Walmart - coffee urn		Park		\$26.58	
Watts - HP toner		Police		\$63.85	
Whitefish Auto - brake pads		P&Z		\$119.66	
Whitefish Auto - oil filter		Police		\$21.60	
Whitefish Auto - oil, filter, lube		Police		\$33.60	
Whitefish Auto - repair flat		P&Z		\$12.00	
WSN - engineering fees				\$37,324.06	
Xcel Energy - natural gas		Warm Hse		\$110.16	
Xcel Energy - natural gas		PW		\$279.10	
Zee Medical - medical supplies		Park		\$266.99	
				\$109,577.06	