

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE, MINNESOTA
REGULAR SESSION - July 11, 1988
7:30 p.m. at City Hall

The City Council of Crosslake, Minnesota met in a regular session on Monday, July 11, 1988 in the Council Chambers of City Hall. The following members were present: Mayor Oliver Courts and Councilmembers Lyle Arends, Diana Gallaway and Dean Swanson. Also present was Clerk Arlene Buchite and approximately 25 citizens. Councilman Oliver Yates was absent.

Mayor Courts called this council session to order at 7:30 p.m. and welcomed everyone present.

First item on the agenda was the Consent Calendar. Councilmember Arends stated that there was an error in the minutes of the special meeting on June 9, 1988, in Motion No. 6S1-01-88 which stated that the motion passed unanimously. Councilmember Arends said he voted Nay. MOTION NO 7R-01-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMEBER GALLAWAY TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR WITH THE CORRECTION IN MOTION NO 6S1-01-88, CONSISTING OF (1) THE MINUTES OF THE SPECIAL MEETING ON JUNE 9, 1988; (2) THE MINUTES OF THE REGULAR COUNCIL MEETING ON JUNE 13, 1988; (3) THE MINUTES OF THE SPECIAL COUNCIL MEETING ON JUNE 27, 1988; (4) THE CLERK/TREASURER'S FINANCIAL REPORT FOR JUNE, 1988; (5) THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR JUNE, 1988; AND (6) THE CABLEVISION'S FINANCIAL REPORT FOR JUNE, 1988. MOTION PASSED UNANIMOUSLY.

CLERK'S REPORT - Clerk Buchite indicated that she would not have enough election judges for the upcoming elections. The County indicated to the Clerk that they did not have a list for either party to submit to the Clerk so she requested approval for an ad in the legal paper requesting anyone interested in serving as an election judge to contact the Clerk's office. MOTION NO. 7R-02-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER SWANSON TO HAVE THE CLERK PLACE AN AD IN THE PAPER TO ASK FOR PERSONS INTERESTED IN SERVING AS ELECTION JUDGES TO NOTIFY THE CITY CLERK. MOTION PASSED UNANIMOUSLY.

The next item was a letter from Piper Capital Management regarding certificates of Deposit and new performance information and was for information only.

The Clerk had received a letter from a citizen regarding encroachment on property adjoining a 20 foot strip of land on Manhattan Beach. The citizen stated in her letter that there were steps built to the lakeshore, a U shaped dock with two boat lifts and two boats. The letter also commented that the shoreline was filled with unused boats. MOTION NO. 7R03088 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER GALLAWAY TO HAVE POLICE CHIEF JOHN BACKDAHL AND POLICE SARGEANT COULTER CHECK OUT THE COMPLAINT OF ENCROACHMENT ON MANHATTAN BEACH AND REPORT BACK TO THE COUNCIL ON THEIR FINDINGS. MOTION PASSED UNANIMOUSLY.

Clerk Buchite told the Council she had received a letter from Will Hoyt of Landecker and Associates, Inc. recommending that \$24,500.00 of the \$28,000.00 posted bond be released to Metro Inc. for the Old Log Headquarters because

the only major items remaining was to re-establish turf and finish slope work. MOTION NO. 7R-04-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER ARENDS TO APPROVE THE RELEASE OF \$24,500.00 OF THE POSTED BOND MONEY TO METRO INC. AND TO RETAIN \$3,500.00 UNTIL THE TURF HAS BEEN RE-ESTABLISHED AND FINISHING SLOPE WORK IS COMPLETED AS WELL AS PAYMENT OF \$67.50 FOR LANDECKER AND ASSOCIATES, INC. INSPECTION FEES. MOTION PASSED UNANIMOUSLY.

A letter had been received from the County Auditor requesting information on any questions or offices to be placed on the election ballots. MOTION NO. 7R-05-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER SWANSON TO NOTIFY THE COUNTY AUDITOR THAT THERE WILL BE NO QUESTIONS ON THE NOVEMBER BALLET FOR CROSSLAKE BUT THERE WILL BE ONE TWO-YEAR COUNCIL SEAT, TWO FOUR-YEAR COUNCIL SEATS AND THE MAYORS' SEAT ON THE BALLOT. MOTION PASSED UNANIMOUSLY.

The next item was the renewal of the Lion's Club charitable gambling licenses at two local establishments. MOTION NO. 7R-06-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER SWANSON TO APPROVE THE RENEWAL OF THE LION'S CLUB CHARITABLE GAMBLING LICENSES AT THE RIVERSIDE INN AND ECHO RIDGE SUPPER CLUB. MOTION PASSED UNANIMOUSLY.

MOTION NO. 7R-07-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER ARENDS TO APPROVE ALL BILLS FOR PAYMENT INCLUDING: (1) AMERICAN NATIONAL BANK FOR GOV. OBLIGATION BONDS INTEREST FOR \$14,081.25; (2) CROSSLAKE T.V. FOR BALANCE ON SPEAKER SYSTEM FOR \$566.00; (3) LARSON, ALLEN AND WEISHAIR AND COMPANY FOR THE ANNUAL AUDIT FOR \$3,500.00; AND (4) LEAGUE OF MN CITIES FOR ANNUAL DUES FOR \$611.00. MOTION PASSED UNANIMOUSLY.

Clerk Buchite indicated that she had spoken to the Municipal Ordinance Codifiers which was the company who had done the recodification in 1985 and they had estimated the cost to be approximately \$1,500.00 to \$2,000.00 to update the code book and to incorporate the new ordinances in the book. The time estimate for completion was between three and six months. They would review all the ordinances and recommend changes that must be made because of new legislative action. Councilmember Arends said there were several places who did codification and he felt the City should check into prices before committing themselves. Councilmember Gallaway said the firm presently used is familiar with the ordinances and she felt would probably do the best job. MOTION NO. 7R-08-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER SWANSON TO HAVE THE CITY CLERK CHECK INTO COSTS FOR RE-CODIFICATION FROM VARIOUS CODIFYERS AND BRING INFORMATION BACK TO THE AUGUST COUNCIL MEETING. MOTION PASSED UNANIMOUSLY.

MOTION NO 7R-09-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER ARENDS TO DESIGNATE THE NEW CITY HALL AS THE OFFICIAL POLLING PLACE FOR THE CITY OF CROSSLAKE FOR THE UPCOMING ELECTIONS. MOTION PASSED UNANIMOUSLY.

MOTION NO. 7R-10-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER SWANSON TO SEND THE WARRANTY DEED FROM GORDON HAGLUND TO WILL

HOYT OF LANDECKER AND ASSOCIATES, INC. TO CHECK OUT BEFORE FILING IT WITH THE COUNTY AUDITOR. MOTION PASSED UNANIMOUSLY.

Dental Insurance was the next topic for discussion. Clerk Buchite had prepared a comparison between Delta Dental and Employees Benefits. After a brief discussion MOTION NO. 7R-11-88 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER ARENDS TO KEEP THE CITY EMPLOYEES DENTAL COVERAGE WITH THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST. MOTION PASSED UNANIMOUSLY.

Clerk Buchite requested Council input on a letter from Weizenegger Insurance regarding pollution liability and inverse condemnation. It was the consensus of the Council that we should get a ruling from the City Attorney regarding the letter. MOTION NO. 7R-12-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER SWANSON TO SEND THE LETTER FROM WEIZENEGGER INSURANCE AND A COPY OF THE MEMO FROM THE LEAGUE ON POLLUTION TO CITY ATTORNEY JAMES GAMMELLO FOR HIS RECOMMENDATIONS AND A REPORT. MOTION PASSED UNANIMOUSLY.

PARK AND RECREATION - Park Director Pattie Felber stated that 122 children and chaperones went to the Twinsgame and summer programs funded by the Lion's Club are up and running.

Councilmember Arends stated that the Park Commission decided not to go on the budget plan for heating gas but the bills are to be given or sent directly to the City Clerk for payment.

PLANNING AND ZONING - Nothing

CEMETERY - Councilmember Arends said he had not had the opportunity to talk to Sam Dunbar regarding the counteroffer on the acre of land North of the cemetery.

PUBLIC SAFETY - Mayor Courts read the proposed dog ordinance aloud. After a brief discussion MOTION NO. 7R-13-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER SWANSON TO HOLD A PUBLIC HEARING ON ORDINANCE NO 16, THIRD SERIES DEALING WITH A DOG ORDINANCE AT THE AUGUST 8, 1988 REGULAR COUNCIL MEETING AND TO PUBLISH A NOTICE IN THE LEGAL NEWSPAPER. MOTION PASSED UNANIMOUSLY.

Fire Chief David Schliek said that the Public Safety Commission was recommending the purchase of a portable pump for \$1850.00 and to have the City Auditor do a study to see if the City has the money to purchase a new fire truck or to look into ways of financing it if it is economically feasible for the City to purchase a new pumper-tanker truck. MOTION NO. 7R-14-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER SWANSON TO APPROVE THE PURCHASE OF A \$1850.00 PUMP BY THE FIRE DEPARTMENT. MOTION PASSED UNANIMOUSLY.

MOTION NO. 7R-15-88 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER GALLAWAY TO HAVE THE CITY AUDITORS OFFICE GIVE THE COUNCIL A REPORT WITH METHODS OF FINANCING A NEW FIRE TRUCK FOR THE CITY. MOTION PASSED UNANIMOUSLY.

Councilmember Arends said he felt the City should look for a used truck. Councilmember Swanson said he would like to have the Auditors give the city some input and direction and the Council would have the right to turn down the request or to go along with it at that time.

Councilmember Gallaway asked Chief Schliek about insurance for the First Response team. Mr. Schliek said he had spoken to Weizenegger Insurance and they informed him the First Responders would be covered under the Good Samaritan Act. Clerk Buchite was directed to check into it further with Weizenegger Insurance.

UTILITIES COMMISSION - Nothing

ROADS - Mr. Will Hoyt from Landecker and Associates, Inc. was present to say that this was a continuation of the Public Hearing from July 8, 1988. A letter from Joan Carlson regarding the continuation of blacktop across the full front of her property rather than ending in the middle of it and the necessity of removing many trees to do this was discussed. Ms. Carlson does not want to have the trees removed. Councilmember Swanson said he had taken a ride out and looked at the area and he agreed that it would be bad to clear the area. Mr. Swanson said he had also looked at Milinda Shores Bridge and wondered if maybe the bridge should be looked at again before the road work was to be done.

Mr. Hoyt indicated that since the City has applied for state funds to help fund a new bridge it may take several years before we receive the funds. The County evaluates the bridges every year and they feel Milinda Shores is not in that bad of shape.

Discussion ensued as to what constitutes a City road and how long a City can maintain a road before it becomes a public road. Mr. Hoyt said he believed that 6 years of continual use and city maintenance would classify a road a city road.

Mr. Glen Muffelman was present to again state to the Council that the townhouses at the end of Daggett Bay Road will pay for the assessment of Mr. Stan Johnson if he will cooperate and give the city a 33 foot easement. Mr. Muffelman presented Mayor Courts with a letter stating the Daggett Bay Townhouses, Inc. agree to pay Mr. Johnson's assessment.

Mr. Hoyt stated that that section of the road will be more expensive than the rest of the road because it is a first time overlay. Mr. Hoyt also said the City can force Mr. Johnson to be reasonable by condemnation. Mr. Hoyt said he will do the negotiating but he wants to be sure of the City's cooperation.

Mr. Bengston said he is sympathetic towards the townhouses problems but hoped it does not slow down the progress on the balance of the road.

Mr. Hoyt said the condemnation process would not be quick but it should not hold up the work on the rest of the road.

Mr. Muffelman stated that they would like to see the City eliminate the

turn around that is proposed if the road does not go all the way to the townhouses. He stated that they would like to see the turn around at the townhouses property. Mr. Muffelman indicated the association does not want to file a lawsuit but will if they have to to get the road completed. MOTION NO. 7R-16-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER SWANSON TO DO THE DAGGETT BAY ROAD AS PROPOSED BY LANDECKER AND ASSOCIATES, INC. ROLL CALL INDICATED COURTS, ARENDS, GALLAWAY AND SWANSON ALL AYES. NO NAYS.

Councilmember Gallaway said the Townhouse Association must realize that the City will not blacktop a 16½ foot road so nothing can be done until an easement is obtained.

Discussion ensued regarding the road policy and the possibility of changing some portions of it. How much of an assessment the people living at the ends of the road should pay was discussed briefly.

The bridge on Milinda Shores was discussed briefly and Mr. Hoyt said he felt that the city should go ahead with the road project and just fix up the bridge for now. MOTION NO. 7R-17-88 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER ARENDS TO PROCEED WITH THE BLACKTOPPING OF MILINDA SHORES ROAD AS RECOMMENDED BY LANDECKER AND ASSOCIATES, INC. ROLL CALL WAS COURTS, ARENDS, GALLAWAY AND SWANSON ALL AYES. NO NAYS.

Mr. Hoyt informed the Council that bids had been opened the morning of July 11, 1988 with Pat Hoag, Arlene Buchite and Lyle Arends present as well as several contractors for the renovation of Dream Island Bridge. Mr. Hoyt presented the Council with a tabulation of the bids which were:

<u>CONTRACTOR</u>	<u>BID</u>	<u>ALTERNATE BID</u>
Darold Holznagel	\$12,020.00	\$ 9,100.00
Don's Construction	16,445.25	14,251.13
Snider Construction		12,510.00
Ron Graves Landscape	17,552.00	17,944.00
Kraemer Construction	22,600.00	18,600.00

Mr. Hoyt said he would recommend accepting the alternate bid from Darold Holznagel for \$9,100.00. MOTION NO. 7R-18-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER SWANSON TO ACCEPT THE ALTERNATE BID OF \$9,100.00 FROM DAROLD HOLZNAGEL FOR THE DREAM ISLAND BRIDGE WORK. MOTION PASSED UNANIMOUSLY.

There is to be a ten day notice to the City before closing of the bridge so as to be able to notify the residents. A plan should be developed and followed with public safety the primary factor.

Pat Hoag, City Maintenance Supervisor, said the Road Commission recommended seeking bids for a used pay loader. After a brief discussion as to how the machine could be used MOTION NO. 7R-19-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER SWANSON TO ALLOW ROAD SUPERVISOR PAT HOAG TO SEEK BIDS FOR A USED FOUR-WHEEL DRIVE LOADER AND TO PUT TOGETHER A LIST OF USES AND ABILITY TO USE THE MACHINE. MOTION PASSED WITH COUNCILMEMBER ARENDS VOTING NAY.

Councilmember Swanson said he would also like to see Mr. Hoag look for an adequate trailer to haul the machine as opposed to driving it where ever they need it because of the wear and tear it saves on the machine.

Mr. Hoag said he had received two quotes for hauling and spreading Class 5 on Sleepy Valley Road. Both quotes were within a few dollars of each other at \$3,600.00. The cost would be approximately \$2,600.00 for the Class 5 at \$5.75 per square yard delivered and between \$800.00 and \$1,000.00 for loader work. The Road Commission recommended taking Wannebo's bid over Malcolm Perkins. MOTION NO. 7R-20-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER SWANSON TO GO WITH THE RECOMMENDATION OF THE ROAD COMMISSION AND TO GIVE THE CONSTRUCTION BID OF \$3,600.00 FOR SLEEPY VALLEY ROAD TO GUY WANNEBO. MOTION PASSED WITH COUNCILMEMBER ARENDS VOTING NAY.

Councilmember Arends said he was against Owen Grunzke being on the Road Commission because he is a city employee. Mr. Arends said he has some information that shows the only commission that an employee or city official can be on is the Planning and Zoning Commission. Mayor Courts asked him to bring this information to the next Council meeting.

Mr. Hoag said the Road Commission recommended that Happy Landing Road be turned over to the City Engineer for recommendations. The City has had some complaints about rain water running down a residents drive. After a brief discussion MOTION NO. 7R-21-88 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER GALLAWAY TO TURN HAPPY LANDING ROAD OVER TO WILL HOYT OF LANDECKER AND ASSOCIATES, INC. FOR RECOMMENDATIONS. MOTION PASSED WITH COUNCILMEMBER ARENDS VOTING NAY.

FUNDING AND FUTURE DEVELOPMENT - Councilmember Swanson said he was resigning from the Commission because of his membership on the Council.

Mr. Swanson said that the Commission has not had any response to date from Paul Theide's office regarding a deputy registrar and as far as he knew the post office officials were coming the next week to look at spots for the new post office.

PERSONNEL - Mayor Courts said he had nothing to report for personnel except that the City Attorney was not done investigating the park yet. A special meeting will be called when the investigation is completed.

MAYOR'S REPORT - Mayor Courts appointed Dean Swanson as Liaison to the Planning and Zoning Commission. MOTION NO. 7R-22-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER GALLAWAY TO APPROVE THE APPOINTMENT OF DEAN SWANSON AS LIAISON TO THE PLANNING AND ZONING COMMISSION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS - Nothing.

OLD BUSINESS - MOTION NO. 7R-23-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER ARENDS TO HAVE THE CITY CLERK REQUEST A DIRECTIONAL CEMETERY SIGN ON THE CORNER OF CSAH #3 AND CSAH #36 FROM THE COUNTY. MOTION PASSED UNANIMOUSLY.

Councilmember Arends said he felt the fee schedule for the old city hall building should be the same as fee schedule at the Community Center. MOTION NO. 7R-23-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER SWANSON TO HAVE THE CITY CLERK IN CHARGE OF ORGANIZATIONS LEASING THE OLD CITY HALL BUILDING WITH BASICALLY THE SAME FEE SCHEDULE AS THE COMMUNITY CENTER. MOTION PASSED UNANIMOUSLY.

PUBLIC FORUM - Doris Fraser was present to invite everyone to the special festivities at the Historic Society Museum on Saturday.

MOTION NO. 7R-25-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER SWANSON TO ADJOURN THIS REGULAR COUNCIL SESSION AT 10.05 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:



Arlene A. Buchite
City Clerk/Treasurer