

REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, JULY 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, July 14, 2003 at 7:00 P.M. The following Councilmembers were present: Mayor Darrell Swanson, Dean Eggena, 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 Chief Bob Hartman, General Manager Dennis Leaser, Community Development Director Ken Anderson, Planner-Zoning Coordinator Nancy Vernon, Clerk/Treasurer Darlene Roach and Lake Country Echo Reporter Betty Ryan. There were approximately twenty individuals in the audience.

A. CALL TO ORDER – Mayor Swanson called the meeting to order at 7:03 P.M. and asked for a motion to accept the additions to the Agenda. MOTION 07R-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 EYES.

B. CRITICAL ISSUES – None

C. CONSENT CALENDAR - MOTION 07R-02-03 WAS MADE BY CHUCK MILLER AND SECONDED BY DICK PHILLIPS TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF SPECIAL COUNCIL MEETING OF JUNE 9, 2003; (2) MINUTES OF REGULAR COUNCIL MEETING OF JUNE 9, 2003; (3) MINUTES OF SPECIAL COUNCIL MEETING OF JUNE 17, 2003; (4) MINUTES OF PUBLIC HEARING OF JULY 9, 2003 FOR TIF DISTRICT 1-8; (5) MINUTES OF SPECIAL COUNCIL MEETING OF JULY 9, 2003; (6) CROSSLAKE COMMUNICATIONS TELEPHONE AND CABLEVISION COMPANY STATISTICAL REPORT DATED MAY 31, 2003; (7) CITY MONTH END REVENUE REPORT DATED MAY 31, 2003; AND (8) CITY MONTH END EXPENDITURE REPORT DATED MAY 31, 2003. MOTION CARRIED WITH ALL EYES.

D. PUBLIC FORUM – Planning and Zoning Commission Member Dick Dietz addressed the Council and read a written statement he had prepared in response to Councilmember Phillips concerns regarding the number of variances that are being requested. Dietz stated that the City has competent staff in Carla and Nancy in that they don't just take the fee and move on. He stated that they take the time to discuss the request with the applicant and explain to them that they need to be able to justify the hardship in order to be granted the variance. He stated many times the applicants have readjusted their structure or withdrew their application based on the information provided by Staff. Secondly, he stated when a variance is denied, the applicant always has the appeal process to the City Council, however, he feels that 90-95% are handled at the

Planning and Zoning Commission level. Thirdly, he stated that Councilmember Phillips has expressed concern with the number of appeals that are coming to the Council. Mr. Dietz stated that in 2002, when Councilmember Schultz was liaison to the Commission she was very careful not to influence the applicant either way, however, the current liaison Councilmember Eggena sometimes speaks in favor of the variance even if the Commission is opposed, therefore, encouraging the applicant to file an appeal.

E. MAYOR'S REPORT - Marg Bundgaard addressed the Council and stated that July 25th and 26th has been designated as White Cane Days in Crosslake. The White Cane has been adopted by the Whitefish Area Lions Club as a symbol of their commitment to better vision through research and treatment of diseases of the eye. Public donations support funding for this continued research and development of the Lions Eye Bank at the University of Minnesota. Mayor Swanson read a proclamation urging citizens to support the efforts of the Lions Club during White Cane Days in Crosslake on July 25th and 26th with the goal of eradicating diseases of the eye. MOTION 07R-03-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE RESOLUTION NO. 03- 29 PROCLAIMING WHITE CANE DAYS IN THE CITY OF CROSSLAKE ON JULY 25TH AND 26TH. MOTION CARRIED WITH ALL AYES.

F. CITY ADMINISTRATOR REPORT –

1. Bills for Approval – MOTION 07R-04-03 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$7,179.08. MOTION CARRIED WITH ALL AYES.
2. Dene Carney, outgoing President of the Crosslake-Ideal Lions Club, addressed the Council and presented the Charitable Gambling Report for July 1, 2002 through June 30, 2003. A total of \$70,904 was donated back to the community from the operation of the pull-tab booths in five locations. Including the gambling proceeds a total of \$87,079 in contributions was distributed when the Golf Tournament, Cadillac Dinner and other fundraisers are included. The major President's Project for 2002-2003 was the Charter School Science Lab and a total of \$18,000 was donated for the lab with \$2,000 donated for playground equipment. Mr. Carney introduced Armond Gease who succeeds him as President. Councilmember Miller thanked the Lions for all their hard work and stated that the City appreciates their generosity.
3. Letter dated July 11th from George Riches recommended approval of the final pay request for Crosslake Construction in the amount of \$10,742.20. The Contractor has been requested to provide the City with two prices to extend the canopy on the back of the building the entire length of the City Hall portion. One quote will be for a temporary cover that can be removed if the building expands and another quote would extend the canopy to match the existing canopy. MOTION 07R-05-03 WAS MADE BY CHUCK MILLER AND SECONDED BY DICK PHILLIPS TO APPROVE THE FINAL PAY REQUEST FOR CROSSLAKE CONSTRUCTION IN THE AMOUNT OF \$10,742.20. There was some

discussion regarding whether the Council should consider the pay request as final payment or keep the contract open for the canopy to avoid re-bidding to complete the project. The Council agreed that the contract would remain open to receive quotes to complete the backside of City Hall. MOTION CARRIED 4-0 WITH COUNCILMEMBER EGGENA ABSTAINING FROM THE VOTE.

4. Approval of the Development Agreement/Business Subsidy Agreement for Crosswoods Development District 1-8- City Attorney Paul Sandelin stated that a public hearing was held on July 9th as required and all documents have been provided to the Council that were requested of the Developer. The revised document, which included the additions, was distributed for Council review. MOTION 07R-06-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO APPROVE THE DEVELOPMENT AGREEMENT/BUSINESS SUBSIDY AGREEMENT FOR CROSSWOODS DISTRICT 1-8. Councilmember Eggena stated that he is opposed to the TIF and while he understands the District was started four to five years ago, feels there are too many vacant buildings sitting empty while new buildings are being constructed and subsidized. Councilmember Schultz felt the vacant buildings were mostly office space, but Councilmember Eggena stated he feels we have over built our commercial area. Councilmember Phillips also disagreed with approval of TIF for Crosswoods. He stated that the City's tax base is so high, he won't agree with the subsidy. Mayor Swanson asked City Attorney Sandelin to explain how the City is affected by the TIF. Sandelin stated there is no risk to the City because if the taxes are not paid, there is no tax increment paid to the Developer by the City. MOTION CARRIED 3-2 WITH COUNCILMEMBERS EGGENA AND PHILLIPS VOTING NAY.
5. A letter dated June 20, 2003 from the Crow Wing County Historical Society thanked the City for their donation of \$100 to the Society and was included for Council information.
6. Lakes State Bank Pledge Update dated June 30, 2003 was included for Council information.
7. Lakewood Bank Pledge Update dated June 2003 was included for Council information.
8. Northern National Bank Pledge Update dated June 30, 2003 was included for Council information.
9. Memo dated July 14th from Clerk Roach requested approval to release Tax Increment Funds to Daggett Brook Villas (Brian Bittner) in the amount of \$8,207.43. MOTION 07R-07-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE DISBURSEMENT OF \$8,207.43 IN INCREMENTAL TAX REVENUE TO DAGGETT BROOK VILLAS. MOTION CARRIED WITH ALL AYES.

G. COMMISSION REPORTS –

1. SEWER COMMITTEE –

- a. Chairman Dean Swanson addressed the Council and stated that the minutes of the April 9th, May 14th and June 11th meetings were included for Council information.
- b. City Engineer Dave Reese presented an update on the Sewer Project. He stated that masonry and concrete work continues on the plant with the progress on track. Regarding the collection system, the Contractor is finishing up with the Sand Pointe area and progressing south from the waterslide area along the east side of the road, then to the west side of County Road 3 to the area of East Shore Boulevard where a lift station will be installed. This work is on schedule also. Councilmember Eggena stated that he has been receiving inquires as to when work on County Road 66 would begin and City Engineer Reese stated not until after Labor Day. Mayor Swanson invited property owners to attend the weekly contractor meetings that are held every Wednesday morning at 9:00 A.M. at City Hall. A pay request from KHC Construction was certified for payment by City Engineer Mark Hallan. MOTION 07R-08-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE PAYMENT IN THE AMOUNT OF \$160,054 FOR PAY REQUEST #4 FOR KHC CONSTRUCTION. MOTION CARRIED WITH ALL AYES. A pay request from Hammerlund Construction was certified for payment by City Engineer Dave Reese. MOTION 07R-09-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE PAY REQUEST #1 FOR HAMMERLUND CONSTRUCTION IN THE AMOUNT OF \$538,381.54. MOTION CARRIED WITH ALL AYES.
- c. A memo dated July 10, 2003 from the Sewer Committee recommended execution of License Agreement with the Corps of Engineers for temporary access to Sand Pointe Drive over Dike #3 for a period of 30 days. MOTION 07R-09-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE CITY ADMINISTRATOR'S SIGNING THE GENERAL PURPOSE LICENSE NO. DACW37-3-03-0078 ALLOWING FOR A TEMPORARY ROAD TO BE CONSTRUCTED ON SPOT DIKE NO. 3. It was noted that after the work has been completed in this area, the road will be closed off and restored. MOTION CARRIED WITH ALL AYES.
- d. Facsimile dated July 11, 2003 from Complete Title requested that a check be reissued to Complete Title Services Inc. for closing on the lift station property on East Shore Boulevard. The Council approved payment in October, 2002 in the amount of \$3,016 to Morris and Lucille Nelson. Since the closing has not yet taken place, the Title Company is requesting that the previous check be voided and a new check issued to Complete Title. This housekeeping matter is recommended for approval by the City Attorney. MOTION 07R-10-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO AUTHORIZE PAYMENT TO COMPLETE TITLE SERVICES IN THE AMOUNT OF \$3,016 FOR

PAYMENT TO MORRIS NELSON FOR THE EAST SHORE BOULEVARD LIFT STATION. MOTION CARRIED WITH ALL AYES.

2. PUBLIC WORKS –

- a. Public Works Director Ted Strand stated that the minutes of the May 19, 2003 meeting were included for Council information.
- b. A memo dated June 30th from Ted Strand requested approval to purchase a John Deere 757 Mower in the amount of \$7,737.23. Two quotes for mowers were received with Northwood Turf and Power providing the lowest quote. The funds to purchase the mower will come from excess funds budgeted for crack sealing which were not used. MOTION 07R-11-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE PURCHASE OF A JOHN DEERE 757 MOWER FROM NORTHWOOD TURF AND POWER IN THE AMOUNT OF \$7,737.23. Councilmember Phillips asked if there were any local bids received and Ted Strand stated that no local companies carried the type of mower that is being purchased. MOTION CARRIED WITH ALL AYES.
- c. A facsimile from P. Eric Siegert requested Council approval to allow the paving of a modest amount of area to solve a sediment problem which is continually flowing onto his property. The problem was reviewed by City Engineer Dave Reese and Public Works Director Ted Strand who both supplied letters to the Council regarding the drainage/sedimentation issue on Perkins Road. A letter was also received from neighbor Jan Schwarz outlining her concerns with Mr. Siegert's proposal. US Army Corps of Engineers Resource Manager Ray Nelson submitted a letter to the City stating that the roadway referenced is on Federal property and any request must be submitted to the Real Estate Branch in St. Paul for review and approval. Based on this, Mr. Nelson is not recommending that a paving project commence at this time. Mr. Siegert asked where he could go from here based on the letter from the Corps of Engineers. City Attorney Sandelin inquired what the long range plan for the road was from the City's perspective and what the width of the road was that was dedicated to the public by the Schwarz family. City Engineer Dave Reese stated that WSN has not researched the property as far as easements, but the City does have a history of maintaining the road. Park and Recreation Director Jon Henke stated that each property owner as a 12' easement that runs to the Corps entrance and from that point on it's Corps property. City Administrator Swenson stated that the long range goal of the Park Commission is to develop the park property south of Mr. Siegert's property, but with a 12' road you wouldn't have access. The Schwarz own 13.6 acres of property which is in the process of being surveyed, but plans for the property are not yet firm awaiting a proposal from the Schwarz's. Mayor Swenson asked how the Council should proceed with the request and City Administrator Swenson stated that some of the comments he has heard in regards to the drainage problem is due to the removal of vegetation following construction

and maybe Mr. Siegert can talk to Ray Nelson at the Corps to see if some sod can be put down. Councilmember Eggena stated that the City Engineer should look at the property and come back to the Council with a recommendation. City Engineer Reese stated that his review of the situation would indicate that the best solution would be to pave the roadway that has been maintained by the City. While this may not be a permanent slution for road access, it would be a temporary solution for the erosion problem. Dave Holker of 12359 Perkins Road addressed the Council and stated that he heard of the situation by accident and offered some insight into the property. He stated that the City has the first 100' and that the property owners have two easements from the Corps. He also stated that during construction, the contractor did not take any measures to stop erosion so if there is any input from the Council he'd like to know about it should there be any future work on the road. He also commented that he was not opposed to any work that may be done on the road. Ted Strand stated that he would like to eventually reshape the road. MOTION WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO DIRECT PUBLIC WORKS TO SUPERVISE A SOLUTION FOR EROSION ON PERKINS ROAD WITH SOMETHING LESS THAN PAVING AND THAT MR. SIEGERT PROVIDE A CONTRACTOR AT HIS EXPENSE. Motion withdrawn. MOTION 07R-12-03 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO AUTHORIZE THE CITY ENGINEER TO CONTACT RAY NELSON AT THE CORPS OF ENGINEERS ON OBTAINING APPROVAL FROM THE US ARMY CORPS OF ENGINEERS FOR WORK ON THE PROPERTY AND IF ANY ADDITIONAL FUNDS ARE TO BE EXPENDED, THE REQUEST SHOULD COME BACK TO THE COUNCIL FOR APPROVAL. MOTION CARRIED WITH ALL AYES.

- d. Resolution Accepting Bids – Bids were accepted on the 2003 road projects until 2:00 P.M. on July 10, 2003 at which time they were publicly opened in City Hall. Two bids were received with Tri-City Paving being the lowest bidder at \$320,168.80. The other bidder was Anderson Brothers Construction with a bid of \$355,918.88. WSN reviewed both bids and have determined that the bids do conform to the requested plans and specifications. WSN recommends that the contract be awarded to Tri-City Paving of Little Falls as the lowest responsible bidder, on the basis of the unit prices on the bid proposal. MOTION 07R-13-03 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN EGGENA TO APPROVE RESOLUTION NO.03-30 ACCEPTING BIDS FOR IMPROVEMENT TO GREER LAKE ROAD FROM THE ENTRANCE TO GREER LAKE CAMPGROUND, NORTH TO LOT 18; BRITA LANE FROM THE INTERSECTION OF CSAH 36 TO THE INTERSECTION OF PINE VIEW LANE; WILDWOOD DRIVE, WILDWOOD TRAIL AND WHITEBIRCH LANE; AND ABC DRIVE FROM THE INTERSECTION OF CSAH 16, NORTH APPROXIMATELY 1,130 FEET. MOTION CARRIED WITH ALL AYES.

3. PUBLIC SAFETY – Chief Hartman stated that the Police Department reported 205 calls in Crosslake and 23 calls in Mission Township in June. Included in the packet for Council information was a thank you letter to Judy Cotten of Judy’s House of Gifts for her generous donation of \$680.16 in “Beanie Babies” for distribution by officers to children during difficult times. The Fire Department responded to fourteen medical calls and seven fire calls for a total of 21 calls for the month of June. A copy of a letter sent to Representative Oberstar requesting assistance in obtaining a FEMA Grant for the purchase of a new tanker was included for Council information.
4. LONG RANGE CAPITAL PLANNING – Nothing
5. PARK AND RECREATION – Park and Recreation Director Jon Henke presented his highlights report for July. He stated that the annual Art Show will be held at the Community Center on August 7th, 8th and 9th. In conjunction with the Art Show, the Friends of the Library are hosting a book sale on Saturday, August 9th at the Picnic Shelter. Proceeds from the purchase of donated books will be used for the proposed library. Books may be dropped off on Wednesday and Thursday prior to the sale at the Picnic Shelter. A Minnesota Twins Trip is scheduled for August 14th as part of the Family Fun Day Program. A luxury coach has been rented from Reichert’s that will leave the Community Center parking lot at 7:30 a.m. and return after the game around 7:00 p.m. Reservations are limited to the first 55 people that register. The cost for the event is \$20, which includes transportation, game ticket, a hot dog, pop and a Twins pennant. On Saturday, August 2nd, the Crosslake Dam Run, organized by Mick Justin of Pequot Lakes, will be held. This 5/10K run will finish in the area of the Town Square. Youth tennis lessons are underway at the tennis courts on Monday and Wednesday mornings for children 4 to 12 years of age. The program runs through July 30th. Currently there are 16 children enrolled. Chad Costello has agreed to provide this tennis instruction and approval of payment to provide this instruction was requested. MOTION 07R-14-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO APPROVE PAYMENT FOR CHAD COSTELLO TO PROVIDE TENNIS INSTRUCTION FROM JULY 7TH TO JULY 30TH AT A COST OF \$460. MOTION CARRIED WITH ALL AYES. It was noted that revenue from the lessons covers the cost of the payment to Mr. Costello. Yoga classes are held two times each week. Classes are now meeting Monday evenings from 5:15 to 6:45 p.m. and Wednesday mornings from 10:00 to 11:30 a.m. Registration is handled by instructor Gail Van Brunt. The second phase of the irrigation upgrade is ready to take place and Council approval to accept the bid from Valley Green Companies was requested. Three quotes were received with Valley Green providing the lowest quote. MOTION 07R-15-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE AWARDING THE BID FOR IRRIGATION REPAIRS ON THE BASEBALL FIELD AT A COST OF \$3,130.80 TO VALLEY GREEN COMPANIES. MOTION CARRIED WITH ALL AYES. The Department is currently working on a proposal to build a press box for one of the baseball fields. The local American Legion was chosen to host the District Playoffs this year and a request was made to

install a press box to provide a protected environment for the official bookkeepers and scorers and provide an area for an announcer. The Park Commission reviewed a plan designed by George Riches and recommend the approval of the drawing with the help of the American Legion and other service groups and volunteers that are willing to donate time or funding for the project. Since this was not a budgeted item, fund raising has resulted in a total of \$2,300 in donations having been received towards the project and approval to accept these donations was requested. MOTION 07R-16-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO ACCEPT WITH APPRECIATION THE DONATION OF \$400 FROM THE AMERICAN LEGION AUXILIARY, A DONATION OF \$1400 FROM THE CROSSLAKE IDEAL LIONS AND \$500 FROM THE CROSSLAKE GAME AND FISH CLUB FOR THE CONSTRUCTION OF A PRESS BOX. MOTION CARRIED WITH ALL AYES. Approval to accept the architectural drawing of the proposed press box prepared by George Riches and construction of the press box through the use of volunteers from the American Legion and other service groups was also requested. MOTION 07R-17-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO APPROVE THE ARCHITECTURAL DRAWING OF THE PROPOSED PRESS BOX PRODUCED BY GEORGE RICHES TO BE CONSTRUCTED BY VOLUNTEERS. Councilmember Eggena inquired as to what liability the City was accepting by using volunteers and Park Director Jon Henke stated the City carries workers comp insurance on volunteers. MOTION CARRIED WITH ALL AYES. The minutes of the June 23rd Commission Meeting were included for Council information.

6. **LIBRARY COMMITTEE** – Alden Hardwick addressed the Council and reported that the Library Committee met twice in June with one meeting focused on the fund drive and the other the regular meeting. Over \$60,000 in donations/pledges has been received to date so the fund drive is off to a good start. Fifteen individuals participated in a “Friends of the Library” meeting which was held on July 11th. This group will form a committee to obtain books for the library. Mayor Swanson and Alden Hardwick will begin work in the political arena again to try and obtain funding from the State for the library. They will speak with Representative Howes and Senator Ruud and request their writing a bill requesting a single line item expenditure from the State to assist in the construction of the library. A request to look at the old City Hall building as a possible site for a library will be completed by the Committee and a report will be brought to the Council at a later date. The minutes of the June 16, 2003 Committee meeting were included for Council information.
7. **PLANNING AND ZONING COMMISSION** – Ken Anderson, newly hired Community Development Director, introduced himself and presented a brief history of his work experience as Community Development Director with the City’s of Columbia Heights and Belle Plaine as well as having worked four years as a financial advisor to cities. His past experience also includes work in the public housing and Section 8 arena. He stated that he is pleased to have been given the opportunity to work for the City of Crosslake and with the Council.

Community Development Director Anderson presented the June, 2003 permit summary which showed 306 permits having been issued year-to-date for a valuation of \$9,040,506. This exceeds year-to-date numbers through June, 2002 when 247 permits were issued for a valuation of \$6,752,430. Anderson stated that there has been a significant increase which represents a positive statement about the City. A bar graph reflecting the various spikes by month between 1998 and 2003 was also included for Council information. The May, 2003 Crow Wing County Permit Summary ranked Crosslake #1 in the County with 283 permits issued year-to-date with the City's of Brainerd and Breezy Point coming in second and third with 233 and 231 permits issued respectively.

The minutes of the May 23, 2003 Commission Meeting and Public Hearing and the June 16, 2003 Special Commission Meeting were included for Council information.

Staff Report dated July 9, 2003 regarding Subdivision 2003-005 Nelson's East Shore Landing Three – Applicant Doug Nelson requested final plat approval for Common Interest Community No. 1021, a Planned Community Nelson's East Shore Landing Three. The original CIC plat was filed on August 13, 1997. Phase Two amendment was approved in 2000. This would be the final phase of the development. The Planning and Zoning Commission recommends approval of the final plat with conditions. Councilmember Phillips stated that the growth shows different phases of construction and inquired whether there was a limit on the amount of dockage allowed in the Plat. Mayor Swanson stated that he was on the Planning and Zoning Commission when the original CIC Plat was approved and the change in use from a marina to multi-family dwellings actually downgraded the traffic on the lake since the development only allows one slip per dwelling. At the time the CIC plat was approved, the DNR was very supportive of the change in use because of the positive effect it would have on the lake. MOTION 07R-18-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE NELSON'S EAST SHORE LANDING THREE, SECOND AMENDED CIC PLAT WITH THE FOLLOWING CONDITIONS: (1) ALL OF THE FOLLOWING FEES ARE PAID TO THE CITY PRIOR TO SIGNING OF THE FINAL PLAT: (a.) PARK DEDICATION FEE OF \$7930 WHICH IS 10% OF LAND VALUE PRIOR TO DEVELOPMENT; (b.) CITY ENGINEER/SURVEYOR FEE; AND (c.) CITY ATTORNEY FEES; (2) CITY ATTORNEY APPROVES THE AMENDED DECLARATION FOR THE PLAT; (3.) FINAL PLAT CHECK IS APPROVED BY DON COULTER; (4.) THE PROPOSED PRIVATE ROAD WITHIN THE PLAT IS NAMED "EAST SHORE TERRACE" AND THE DEVELOPER MUST PAY FOR THE COST OF THE SIGN; (5.) ANY NEW ENTRANCES ONTO CSAH 3 MUST OBTAIN AN ENTRANCE PERMIT FROM THE CROW WING COUNTY HIGHWAY DEPARTMENT; (6.) ONLY TWO MORE UNITS CAN BE CONSTRUCTED PRIOR TO CITY SEWER BEING AVAILABLE. THE DEVELOPER HAS THE OPTION OF APPLYING FOR A CONSTRUCTION ONLY PERMIT WITH THE MINNESOTA POLLUTION CONTROL AGENCY TO CONSTRUCT

ADDITIONAL UNITS, AS LONG AS THE UNITS ARE NOT LOCATED WITHIN PRIMARY AND SECONDARY SEWAGE TREATMENT AREAS AND ARE NOT OCCUPIED PRIOR TO HOOKUP TO CITY SEWER; AND (7.) ALL LOTS LOCATED WITHIN PRIMARY AND SECONDARY SEWAGE TREATMENT AREAS CANNOT BE DEVELOPED UNTIL THE DEVELOPMENT IS CONNECTED TO CITY SEWER AND THE ON-SITE SYSTEMS ARE ABANDONED. MOTION CARRIED 4-0 WITH COUNCILMEMBER PHILLIPS VOTING NAY.

Staff Report dated July 14, 2003 regarding Lommel Violation – The Planning and Zoning Commission approved a motion to forward information received from City Attorney Steve Qualley and a Notice of Entry of Judgement from District Court pertaining to the Ryan Lommel violation to the City Council. The City Council had previously directed the City Attorney to file charges against Mr. Lommel for his having violated City Ordinance by renting his property more than four times per year. The Judge ordered that Mr. Lommel of Lommel Properties to pay a judgement in the amount of \$1461.61 for attorney fees and expenses and \$375.00 for costs and disbursements pursuant to Crosslake City Code Section 8.61. Additionally, the defendant was ordered to cease renting the property more than four times per year. A letter dated June 10, 2003 from City Attorney Steve Qualley to Mr. Lommel indicated that the he and a representative of the Planning and Zoning Department would recommend to the Council that the City accept \$1500 to satisfy the judgment. The Council questioned why a recommendation would be made accepting less than what the Judge ordered Mr. Lommel to pay the City. Options the City would have if payment in full was not made would be to put a lien on the property or garnish Mr. Lommel's wages. MOTION 07R-19-03 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO TABLE THE LOMMEL VIOLATION ISSUE TO THE JULY 29TH SPECIAL COUNCIL MEETING. MOTION CARRIED WITH ALL AYES.

Staff Report dated July 9, 2003 regarding final plat approval for Duckwood – The Planning and Zoning Commission recommended final plat approval for applicants Lani and Richard Popehn for Duckwood Plat. This plat includes approximately 31.56 acres of property consisting of 21 residential lots. The Council approved the Preliminary Plat on March 10th and on May 12th approved an amended plat and road design that requires the road right-of way to extend to the west property line and then continue south to the southern most property line. On June 27th, the Planning and Zoning Commission approved a motion to recommend that the Council approve the final plat with conditions. Staff has added two additional recommendations to those recommended by the Commission. MOTION 07R-20-03 WAS MADE BY DEAN EGGENA AND SECONDED BY CHUCK MILLER TO APPROVE THE FINAL PLAT FOR DUCKWOOD WITH THE FOLLOWING CONDITIONS: (1) ALL OF THE FOLLOWING FEES ARE PAID TO THE CITY PRIOR TO SIGNING OF THE FINAL PLAT; (a.) PARK DEDICATION FEE OF \$10,500 (\$500 MINIMUM PER RESIDENTIAL LOT); (b.) CITY ENGINEER AND SURVEYOR FEES; AND (c.) CITY ATORNEY FEES; (2.) ALL OF THE

FOLLOWING ARE SUBMITTED AND/OR APPROVED BY THE CITY PRIOR TO SIGNING OF THE FINAL PLAT; CITY ATTORNEY APPROVES THE TITLE OPINION FOR THE PLAT; LEGAL INGRESS-EGRESS 66 FEET IN WIDTH TO THE PLAT OVER THE CORPS OF ENGINEERS PROPERTY MUST BE OBTAINED WITH AN APPROPRIATE EASEMENT OF RECORD OR ACQUISITION OF PROPERTY AND RECORDED. THE DEVELOPER'S ENGINEER SHALL PREPARE ROAD PLANS AND SPECIFICATIONS IN CONFORMANCE WITH THE MINIMUM STANDARDS OF THE ORDINANCE FOR CITY ENGINEER REVIEW; 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 ACCORDANCE WITH THE CURRENT CITY ORDINANCE. A DEVELOPMENT AGREEMENT SHALL BE PREPARED THAT OUTLINES THE COSTS AND BONDING REQUIREMENTS FOR THE ROAD. THE CITY ATTORNEY SHALL REVIEW AND APPROVE THE DEVELOPMENT AGREEMENT. AN APPROVED AND SIGNED DEVELOPMENT AGREEMENT IS ON FILE ALONG WITH A BOND OR OTHER FINANCIAL ASSURANCE SATISFACTORY TO THE COUNCIL. (3.) THE PROPOSED PUBLIC ROAD IS CONSTRUCTED TO CITY STANDARDS AND APPROVED BY THE PUBLIC WORKS COMMISSION WITH RECOMMENDATIONS FROM THE CITY ENGINEER; (4.) INSPECTION OF THE NEW STREET SHALL BE MADE BY THE CITY ENGINEER WITH THE COST OF SUCH INSPECTIONS PASSED ON TO THE DEVELOPER; (5.) ACCEPTANCE OF THE PUBLIC IMPROVEMENTS 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; (6.) THE DEVELOPER SHALL REIMBURSE THE CITY FOR ALL REASONABLE ADMINISTRATIVE COSTS, INCLUDING ENGINEERING AND LEGAL SERVICES, ASSOCIATED WITH THE REVIEW OF THIS PLAT; (7.) BEST MANAGEMENT PRACTICES ARE USED DURING AND AFTER CONSTRUCTION TO PREVENT EROSION; (8.) A CONSTRUCTION DEPOSIT IS PAID TO CROSSLAKE COMMUNICATIONS FOR CABLE TV AND TELEPHONE UTILITIES PRIOR TO CONSTRUCTION OF ANY SUCH UTILITIES WITHIN THE DEVELOPMENT; (9.) A DRIVEWAY ENTRANCE PERMIT MUST BE OBTAINED THROUGH THE CROW WING COUNTY HIGHWAY DEPARTMENT; (10.) THERE SHALL BE NO CONSTRUCTION ACTIVITY INCLUDING CLEARING UNTIL FINAL APPROVAL BY THE CITY COUNCIL AND A SIGNED DEVELOPMENT AGREEMENT AND BOND IS IN PLACE; (11.) THE DEVELOPER IS RESPONSIBLE FOR OBTAINING A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL STORM WATER PERMIT FROM THE MINNESOTA POLLUTION CONTROL AGENCY PRIOR TO ANY CONSTRUCTION ACTIVITY; (12.) PROPOSED LOT 8 AND 9, BLOCK 1, ADJACENT TO FAWN LAKE SHALL BE USED FOR PERSONAL ACCESS ONLY AND IS LIMITED TO 3

MOTORIZED WATERCRAFT PER ORDINANCE PROVISIONS; (13.) THE FINAL PLAT SHALL DEDICATE ALL ROADS FOR PUBLIC USE AS SHOWN IN THE PLAT; (14.) THE EASEMENT FROM THE CORPS OF ENGINEERS PROPERTY SHALL BE REFERENCED BY DOCUMENT NO. ON THE FINAL PLAT; (15.) THE DEVELOPER MAY BEGIN CLEARING VEGETATION FOR THE ROADS ONCE A CLEARING PLAN HAS BEEN SUBMITTED AND REVIEWED BY THE CITY ENGINEER, AN APPROVED AND SIGNED DEVELOPMENT AGREEMENT AND LETTER OF CREDIT HAS BEEN SUBMITTED, AND A NPDES PERMIT FROM THE MPCA HAS BEEN OBTAINED; AND (16.) NO CONSTRUCTION OF THE ROADS SHALL TAKE PLACE UNTIL ROAD PLANS HAVE BEEN SUBMITTED, REVIEWED AND APPROVED BY THE CITY ENGINEER AND PUBLIC WORKS COMMISSION. MOTION CARRIED WITH ALL AYES.

Councilmember Miller responded to comments made earlier in the meeting during Public Forum by Planning and Zoning Commission Member Dick Dietz. Miller stated that he does not want an adversarial condition to exist between the Planning and Zoning Commission and the Council. He stated that the Council is the Board of Review for those that feel they should be heard. He further stated that the Council does appreciate the efforts of the Planning and Zoning Commission.

8. UTILITIES – General Manager Dennis Leaser addressed the Council and stated that Crosslake Communications has been busy requiring the technicians to work ten hour days, five days per week. The annual customer survey will be mailed out in the August statements for customer input on service and programming. The annual open house will be held on Saturday, August 9th from 9:00 A.M. – 1:00 P.M. during Celebrate Crosslake Days. A joint Utilities Council Meeting is scheduled for July 29th at 9:00 A.M. at City Hall to review reserves and funding of the reserves, City dividend and the 2003 budget. Approval was requested to purchase a Ditch Witch trencher Model RT 90 in the amount of \$56,373.68. The trencher will give the Company the ability to trench the fiber and cable up to 48” deep. The trencher will provide safer working conditions for the operator because of new technology to prevent rollovers because of the new tilt frame. The 2003 budgeted amount to replace the twelve year old Ditch Witch 5020 is \$75,000. A total of three bids were received with Ditch Witch providing the lowest bid. MOTION 07R-21-03 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN EGGENA TO APPROVE THE PURCHASE OF A DITCH WITCH TRENCHER MODEL RT 90 IN THE AMOUNT OF \$56,373.68. MOTION CARRIED WITH ALL AYES. DSL is continuing to grow with the 200th order having been placed recently. The 5 Year Planning Meeting is scheduled for September 30th at 9:30 A.M. at the Community Center. This will be a joint meeting with the City Council and Utilities Commission. The minutes of the June 24th Commission Meeting were included in the Council packet for information.
9. RECYCLING - Councilmember Phillips stated that he has recently become aware of a charge of 9% on residential garbage bills and 17.9% on commercial garbage bills

which are collected by the local garbage hauler and submitted to the State for distribution back to the County in SCORE Funding. This is the funding that assists the Recycling program in Crosslake. In June a total of 23.73 tons of recyclables were collected for a year-to-date total of 90.53 tons.

10. ECONOMIC DEVELOPMENT AUTHORITY – The Minutes of the June 4th EDA Meeting was included for Council information.
11. PERSONNEL –Park and Recreation Director Jon Henke requested Council approval on the hiring of Gary Binda to cover Sunday morning shifts at the Community Center in the absence of the regular employee. Mr. Binda would be paid \$7.00 per hour which is consistent with the other employee who works on Sunday mornings. MOTION 07R-22-03 WAS MADE BY CHUCK MILLER AND SECONDED BY DICK PHILLIPS TO APPROVE THE HIRING OF GARY BINDA TO COVER SUNDAY MORNING SHIFTS AT THE COMMUNITY CENTER IN THE ABSENCE OF THE REGULAR EMPLOYEE. MOTION CARRIED WITH ALL AYES.

Public Works Director Ted Strand stated that the Council recently approved the job description, comparable worth points and pay range for the equipment/sewer operator, however advertising for this position is held up awaiting discussion with the Union. In the meantime, approval is requested to hire a temporary part-time employee in the Public Works Department to assist with maintenance and mowing. It is recommended that this employee be paid a rate of \$10.00 per hour through September 30, 2003. MOTION 07R-23-03 WAS MADE BY DEAN EGGENA AND SECONDED BY CHUCK MILLER TO APPROVE THE HIRING OF LOREN HARDY AS A PART TIME EMPLOYEE IN THE PUBLIC WORKS DEPARTMENT AT A RATE OF \$10.00 PER HOUR THROUGH SEPTEMBER 30, 2003. MOTION CARRIED WITH ALL AYES.

12. CHARTER SCHOOL – Councilmember Schultz reported that things are pretty quiet as far as a school goes, however construction is moving along well. A total of 82 students are already enrolled for the 2003 - 2004 school year.

H. OLD BUSINESS - Mayor Swanson stated that the City will have a float in the Centennial Parade which is scheduled for Wednesday, August 6th. Nancy Vernon stated that the Comprehensive Plan Open House held on June 28th was well attended and went well. The only comments were in regards to land use, so the Planning and Zoning Commission will review this issue at their regular meeting which will be held on July 25th.

I. NEW BUSINESS - None

J. PUBLIC FORUM – Gene Cournyea, Crosslake resident, addressed the Council and commented on the 33' public access off of #103. He stated that the Council approved over \$10,000 in park dedication fees earlier in the meeting which could be used to hire

someone to build a path down to the lake. He also expressed concern with the meth labs that are being located in the City and requested that the Council pass an Ordinance to make sure these areas are cleaned up properly. Chief Hartman addressed the issue and stated that the site of the recent meth lab was dealt with by Hazmat, who came to the site and cleaned it up. Hartman stated that funds are available at the State level for this type of cleanup. The State Judicial System states that the property owner cannot be held liable if they are unaware of the activity occurring on their property. A resident, who did not wish to identify himself due to possible retribution, stated that the City needs to take a stand on 4 wheeler activity. Chief Hartman stated that his Department has received several complaints on this type of activity, which are being turned over to the DNR, who are the enforcement authority for the control and operation of ATV's. Chief Hartman stated that the City can adopt laws that are stricter than State law. Councilmember Miller requested that the Police Department research what is allowable and bring the rules to the next meeting. Chief Hartman stated that he will invite DNR Game Warden Cary Shoutz to the next meeting. Hartman stated that the biggest problem is the damage being done to property.

K. ADJOURN - MOTION 07R-24-03 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN EGGENA TO ADJOURN THIS REGULAR COUNCIL MEETING AT 9:46 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,


Darlene J. Roach
City Clerk/Treasurer

Shared - REGULAR COUNCIL MEETING - July 14, 2003



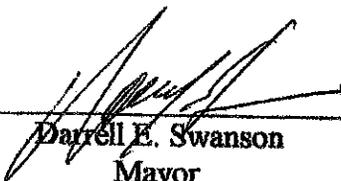
Proclamation

Whereas: The Whitefish Area Lions Club and Lions Clubs International have adopted the White Cane as a symbol of their commitment to better vision through research and treatment of diseases of the eye; and

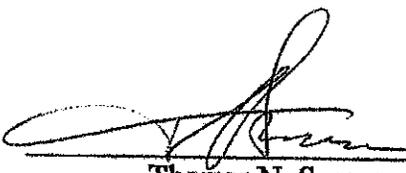
Whereas: The White Cane is a symbol of limited vision as the result of such diseases; and

Whereas: Public donations for the White Cane program supports funding for the continued research and development at the Lions Eye Bank at the University of Minnesota that is accessible to anyone in need of these services;

Now, Therefore, I, Darrell Swanson, Mayor of the City of Crosslake, Minnesota do hereby proclaim Friday and Saturday, July 25th and 26th, 2003 as White Cane Days in the City of Crosslake. Further, I urge citizens to wear a white cane as a symbol of their support of the continued advancement in the treatment of diseases of the eye through the services of the Lions Clubs with the goal of eradicating diseases of the eye.



Darrell E. Swanson
Mayor



Thomas N. Swenson
City Administrator

BILLS FOR APPROVAL
14-Jul-03

VENDOR	DEPT	AMOUNT
Ace Hardware, clamps, gaskets, garden spray	PW	44.22
Ace Hardware, furnace filter	P&R	2.32
Ace Hardware, furnace filters	P&R	13.08
Anderson Brothers, class 5	PW	640.61
Blue Lakes Disposal, trash removal	ALL	93.61
Crosslake Planning and Zoning, permit	P&R	8.50
Darlene Roach, Petty Cash	Gov't	147.69
Department of Economic Security, unemployment	P&R	2.74
Ehlers & Associates, sewer project, crosswoods	Gov't	1,762.50
Lakes Printing, summer newsletters	Gov't	265.72
Mastercard, Fleet Farm, life vests, grass seed	PW	109.56
Nortrax, repair mower tractor	PW	185.16
Reed Business Information, construction bulletin ad	PW	107.38
Triangle Oil, unleaded gasoline	PW	412.50
Triangle Oil, diesel fuel	PW	237.88
Valley Green Companies, irrigation system	P&R	3,121.57
Viking Coca Cola, pop	Gov't	24.04
TOTAL		7,179.08

CITY OF CROSSLAKE
RESOLUTION 03-30
RESOLUTION ACCEPTING BIDS

WHEREAS, pursuant to an advertisement for bids for the improvement of:

- Greer Lake Road from the entrance to Greer Lake Campground, north, to lot 18. Greer Lake Homesites Addition;
- Brita Lane from the intersection of C.S.A.H. 36 to the intersection of Pine View Lane, the entire length of Pine View Lane and approximately 200 feet of Shafer Road from the intersection of Pine View Lane, west, to the existing bituminous surface;
- Wildwood Drive from the intersection of C.S.A.H. 3 to the end of the road (Block One, Lot 19), Wildwood Trail from the intersection of Wildwood Drive to the end of the road (Block Four, Lot 9), Whitebirch Lane from the intersection of Wildwood Drive (Block One, Lot 7) to the intersection of Wildwood Drive (Block One, Lot 18);
- ABC Drive from the intersection of C.S.A.H. 16, north, approximately 1130 feet.

Bids were received, opened and tabulated according to the law, and the following base bids were received complying with the advertisement:

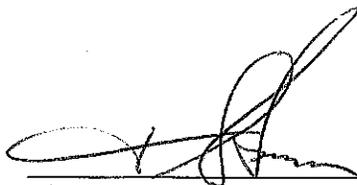
Tri-City Paving, Little Falls, MN	\$320,168.80
Anderson Brothers, Brainerd, MN	\$355,918.88

AND WHEREAS, it appears that Tri-City Paving of Little Falls is the lowest responsible bidder.

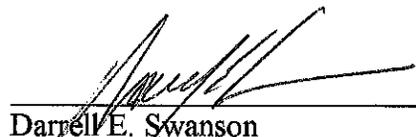
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CROSSLAKE, MINNESOTA,

1. The Mayor and City Administrator are hereby authorized and directed to enter into a contract with Tri-City Paving of Little Falls, Minnesota in the name of the City of Crosslake for the improvement of the above listed roads according to the plans and specifications therefore approved by the City Council and on file in the office of the Clerk/Treasurer.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted by the City Council this 14th day of July, 2003.



Thomas N. Swenson
City Administrator



Darrell E. Swanson
Mayor