

REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
SEPTEMBER 8, 1997
7:00 P.M. - CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, September 8, 1997. The following Councilmembers were present: Mayor Robert Scott, Donna Keiffer, Charles Miller, Raymond Smyth and Richard Upton. Also present was City Administrator Tom Swenson, City Attorney Steve Qualley, City Engineer Dave Reese, Reporter Tom Waller and Deputy Clerk Darlene Roach. There were approximately 13 individuals in the audience.

Mayor Scott called the Regular Council Meeting to order at 7:02 P.M. He welcomed everyone and mentioned that if anyone had questions regarding the recent newspaper articles, those concerns would be addressed by one of the Council members or the Mayor individually during normal business hours.

CRITICAL ISSUES - Ordinance #74 - 156' Setback on C.S.A.H. #3. Dave Reese, City Engineer, reviewed the history of the Ordinance. A revised setback was being proposed as the City had deemed the 156' setback does not meet the current needs of the City of Crosslake. Dave Reese, in consultation with Teri Hastings, Planning and Zoning Administrator, prepared a proposed revision to the Ordinance including written descriptions of the setbacks from the South City limits to the Pine River bridge and a map which was displayed for Council and audience review. It was emphasized that the proposed setbacks do not mean that anyone would be required to tear a building down. The new setbacks are a planning tool to guide future development along C.S.A.H. #3. Dave Reese asked the Council if they had reviewed his written memo and it was noted that the Council had just received it at this meeting and had not had time to read it until now. Mayor Scott asked Teri Hastings if she had anything to add. She stated that she had extra copies of the memo if audience members would like to review it. It was her recommendation that the Council allow Dave Reese to run through the scenario of what the Planning and Zoning Commission had decided at their special meeting. She added that the special meeting of the Planning and Zoning Commission was just held last Thursday and that is the reason for the delay in the Council receiving the memo.

Ray Smyth inquired if the Planning and Zoning Commission had a formal recommendation to the Council. Teri Hastings responded that the Commission's recommendation was outlined in the memo from Dave Reese and it is also detailed on the map before them.

Dick Upton reminded the Council that this proposed Ordinance amendment was presented for discussion only this evening, that the only action to be taken was to set the matter for public hearing. All Zoning Ordinance amendments require public hearings. Mayor Scott asked Mr. Upton if they were ready to schedule a public hearing and Mr. Upton responded in the affirmative. Teri Hastings concurred, however, input from the Council

would be welcomed at this time to make sure the Planning and Zoning Commission is headed in the right direction.

Discussion followed with Chuck Miller opposing any changes unless the change was to return to those setbacks in place prior to September 11, 1995. Teri Hastings reviewed the County ordinance now in place wherein they have a 200' road right-of-way on C.S.A.H. #3 and can take up to 100' from centerline for road improvements.

City Attorney Qualley reminded the Council that there is a variance structure in place for those lots which have an undue hardship in meeting those setbacks.

Consensus of the Council was to set the matter for public hearing before the Planning and Zoning Commission and Teri Hastings was directed to do so. Ms. Hastings suggested that the map be left up for the public to review prior to the public hearing.

CONSENT CALENDAR - MOTION 09R-01-97 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF JULY 22, 1997 SPECIAL COUNCIL MEETING; (2) MINUTES OF AUGUST 11, 1997 REGULAR COUNCIL MEETING; (3) MINUTES OF THE AUGUST 18, 1997 SPECIAL COUNCIL MEETING; (4) MINUTES OF THE AUGUST 26, 1997 SPECIAL COUNCIL MEETING; (5) MINUTES OF THE SEPTEMBER 4, 1997 SPECIAL COUNCIL MEETING; (6) TELEPHONE COMPANY FINANCIAL REPORT FOR JULY, 1997; AND (7) CABLE COMPANY FINANCIAL REPORT FOR JULY, 1997. MOTION CARRIED UNANIMOUSLY.

CITY ADMINISTRATOR REPORT -

1. Bills for Payment - MOTION 09R-02-97 WAS MADE BY DICK UPTON AND SECONDED BY DONNA KEIFFER TO APPROVE ALL BILLS FOR PAYMENT AS SUBMITTED. MOTION CARRIED UNANIMOUSLY.
2. Correspondence
 - a. 7/30/97 Northern National Bank Pledge Update (Council Information).
 - b. 8/28/97 Letter from Minnesota Pollution Control Agency RE: Petroleum Storage Tank Release (Council Information).
 - c. 8/12/97 Letter to Crow Wing County Auditor 8/12/97 Letter to Crow Wing County Auditor from City Administrator regarding dates for Truth in Taxation Hearing and Continuation Hearing. MOTION 09R-03-97 MADE BY RAY SMYTH AND SECONDED BY DICK UPTON THAT THE CONTINUATION HEARING DATE BE SCHEDULED FOR THURSDAY, DECEMBER 11, 1997 AT 7:00 PM. MOTION CARRIED UNANIMOUSLY.
 - d. 8/8/97 Letter from League of MN Cities regarding anniversary or length of service gifts to employees (Council Information). It was noted that the Council did not receive all of the pages for the LMC enclosure. Deputy Clerk will forward a full set of copies to the Council as soon as possible.

- e. 8/13/97 Letter to Brothers Motorsports from City Attorney Re: Legal Action to enforce compliance under the purchase agreement (Council Information).
- f. 8/14/97 Letter from Attorney James Gammello to Attorney Bruce Bundgaard regarding Central Business District Roadway (Council Information).
- g. 8/26/97 Letter from City of Walker regarding MN Cities Regional Meeting to be held on September 30, 1997. Tom Swenson will attend on behalf of the City, anyone else wishing to attend should notify the City Administrator.
- h. Correction to Motion 06R-20-97 regarding purchase of pagers. MOTION 09R-4-97 MADE BY DICK UPTON AND SECONDED BY RAY SMYTH TO REVISE MOTION 06R-20-97 TO READ \$2,571.98 FOR 5 PAGERS, DELETING THE WORD "EACH". MOTION CARRIED UNANIMOUSLY.
- i. 8/27/97 Letter from Mathias C. Justin Re: Audit and Professional Services for years 1997, 1998 and 1999. Discussion followed. MOTION 09R-5-97 MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO ACCEPT THE PROPOSAL FROM MATHIAS C. JUSTIN FOR AUDIT SERVICES FOR THE YEARS 1997, 1998 AND 1999 IN THE AMOUNTS SPECIFIED IN THE PROPOSAL. MOTION CARRIED UNANIMOUSLY.
- j. Change in Date for November Regular Council Meeting due to Veteran's Day. Matter was tabled until Tom Swenson could check the League of Minnesota Cities calendar to clarify the actual date of observance.
- k. Set Time and Date of Canvassing Board for Bond Referendum. MOTION 09R-06-97 MADE BY DICK UPTON AND SECONDED BY RAY SMYTH TO SET THE DATE FOR CANVASSING OF THE SPECIAL ELECTION BALLOTS ON OCTOBER 8, 1997 AT 1:00 PM. MOTION CARRIED UNANIMOUSLY.
- l. Adoption of Preliminary Budget and Tax Levy. MOTION 09R-07-97 MADE BY RAY SMYTH AN SECONDED BY CHUCK MILLER TO ADOPT THE 1998 PRELIMINARY BUDGET AND TAX LEVY AS PRESENTED AND DATED SEPTEMBER 8, 1997. Discussion followed. Mayor Scott noted that he would vote for approval, adding that the levy can be reduced, it is only preliminary and we cannot raise it. Chuck McCulloch, from the audience, inquired as to the increase or decrease over 1997. Tom Swenson responded that it was \$49,905 more than 1997 or approximately 6.5%. MOTION CARRIED UNANIMOUSLY. Ray Smyth then added that it should be noted that there will be a Truth in Taxation Hearing on December 2 and taxpayers in the community will have received tax statements by that time which would be calculated on this preliminary levy. On December 2nd the taxpayers would then have an opportunity to address the City Council with their comments.
- m. Summary Engineering Report from Widseth Smith and Nolting for those items handled during the previous month.
- n. Letter from the City Attorney regarding the absence of Paul Sandelin from the September Meeting. Steve Qualley was present in his place.
- o. Civil Defense Sirens. Two quotes have been received for the electrical installation: 1) Electrical Installation & Maintenance from Independence, Minnesota for \$9,644, and 2) Duane Larson Electrical Contracting from Pine River for \$4,100. MOTION 09R-08-97 MADE BY CHUCK MILLER AND SECONDED BY

DONNA KEIFFER TO ACCEPT THE LOW BID ON THE INSTALLATION OF SIRENS. MOTION CARRIED UNANIMOUSLY. Dick Upton suggested that perhaps the City should send a formal thank you to Crow Wing Cooperative Power & Light. MOTION 09R-09-97 MADE BY DICK UPTON AND SECONDED BY CHUCK MILLER TO SEND CROW WING COOPERATIVE POWER & LIGHT A FORMAL ACKNOWLEDGMENT OF THEIR DONATION OF THE POLES FOR THE SIRENS. MOTION CARRIED UNANIMOUSLY.

MAYOR'S REPORT - Review Public Hearing Handout. Mayor Scott reviewed the proposed mailing regarding the upcoming special election. It was hoped that if approved, the mailing would go out by Thursday or Friday to all box holders. The public hearings will be held at the Community Center. Ray Smyth inquired as to the type of mail service being used for the mailing because the mailing should arrive prior to the first information meeting. Tom Swenson assured the Council that the Crosslake Post Office would have the mailing in the boxes the day after receiving them from the City. A final draft will be distributed to the Council prior to printing.

COMMISSION REPORTS

1. PLANNING AND ZONING

- a. Wastewater Pond Proposal Site. Teri Hastings noted that Council members should have received the information on proposed pond sites and a memo from Widseth Smith & Nolting in their packet. Additionally, the Planning and Zoning Commission is recommending pursuing discussion with the DNR for Pond Site #1 for spray irrigation purposes. City Engineer Dave Reese spoke briefly explaining that the site consists of three 40 acre parcels located South of C.S.A.H. 3 and East of the proposed downtown business district. This would serve Phase I initially, and potentially Phase II and III described in the Sewer Study. The 120 acres would provide for enough area to build a stabilization pond that would store the wastewater until it could be discharged, usually once or twice per year. There are two methods for discharging: 1) Spray Irrigation and 2) Surface Discharge. Discussion followed regarding wetlands currently located in the proposed site area and the increased cost of spray irrigation versus surface discharge. Additional discussion included whether to utilize several small treatment centers or operate one main treatment facility. Dave Reese noted that one facility is more cost effective than operating several smaller centers. Consensus was to direct Tom Swenson to work with the City Engineer and the DNR to look into the possible acquisition of Pond Site #1.

2. LONG RANGE CAPITAL PLANNING - No report

3. PARK AND RECREATION

- a. Ray Smyth reported that an amplifier and two speakers were donated by Mayor Scott and the Park and Recreation Commission was recommending that the City accept this donation. MOTION 09R-10-97 MADE BY RAY SMYTH AND SECONDED BY DICK UPTON TO ACCEPT THE DONATION OF ONE

REALISTIC 100 WATT AMPLIFIER AND TWO REALISTIC SPEAKERS FROM MAYOR SCOTT FOR USE AT THE COMMUNITY CENTER. MOTION CARRIED.

- b. Ray Smyth reported that at the last meeting a request from the Lakes Area Booster club was tabled. MOTION 09R-11-97 MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO CONTRIBUTE \$1,000.00 TO THE LAKES AREA BOOSTER CLUB TO SUPPORT YOUTH ATHLETICS. MOTION CARRIED UNANIMOUSLY.
 - c. A six member committee has now been formed and will be looking into the possibility of constructing a picnic area on the concrete slab where the previous community center was located. Additionally, this committee will be reviewing guidelines for the use of the Community Center.
4. PUBLIC SAFETY
- a. Fire Department Monthly Report presented by Donna Keiffer: 13 calls in August.
 - b. Chief Amsden addressed the Council regarding Policy and Procedures for Fire Department to burn private structures as training exercises, if requested by owner. This is a good training vehicle for the firefighters because we don't have many fires in Crosslake. There is currently a process in place at the State level that property owners within 300' must be notified. Tom Swenson questioned whether a written policy and procedure is necessary to protect the City. Chuck Miller commended the Fire Department on the very professional job they did on burning down the Stanley garage. Mr. Miller added that the City is very fortunate to have Mike Amsden as Fire Chief because he is a very professional fire instructor. Dick Upton seconded that comment and added that Mike is in demand statewide. Mayor Scott also commended Chief Amsden and the entire Fire Department. Discussion followed regarding what the State requires. Chief Amsden added that normally the City charges \$300 for owner requested burns to cover the cost of asbestos inspection and sometimes the need for other instructors.
 - c. Police Department Monthly Report was presented by Donna Keiffer.
 - d. Donna Keiffer presented the Recommendations and Report of the Enhanced 911 Committee.
 - e. There will be a public hearing on Monday, September 29, 1997 at 7:00 p.m. in Meeting Room 2 of the Crow Wing County Social Services Building in Brainerd concerning Enhanced 911.
 - f. Letter from Federal Warning Systems regarding placement of sirens. Mayor Scott inquired as to the type of notice we are giving property owners prior to installation of the sirens. Donna Keiffer noted that Tom Swenson has spoken to nearby property owners and in one case, met with nearby property owners. There may be a need to relocate one siren. It was suggested that the next newsletter include a map showing the locations of the sirens, explaining the reasons for adding additional sirens and what those sirens will be used for.
5. PUBLIC WORKS
- a. Stanley House Bids. MOTION 09R-12-97 MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH THAT THE HOUSE BE LET TO THE

HIGHEST BIDDER EUGENE LABO FOR \$1,010.00. DISCUSSION FOLLOWED. MOTION CARRIED UNANIMOUSLY.

- b. 8/14/97 Letter to County Engineer from City Attorney regarding Gale Lane
 - c. 8/12/97 Letter from City Attorney regarding McClintock Road Vacation
 - d. Chuck Miller presented a letter from Kris Hasskamp regarding Willwood Road and a copy was turned over to the City Attorney. Arlene Courneya asked to address the Council. Mrs. Courneya requested a written reply from Paul Sandelin as to whether there is a road easement across their property. Mrs. Courneya added that she had tried calling the City Attorney five times with no response. She also approached him after one of the Council meetings, but he would not speak with her. She left a message with the Mayor, but did not receive a reply. Mayor Scott apologized for the oversight in not getting back to her. Discussion followed regarding the history of the construction and maintenance of the road crossing Courneya's property. It appears that Wannebo Excavating was hired by the City to build the road but no one knew when. Pat Hoag, Public Works Supervisor, stated that he started maintaining the road in 1973 because it had previously been taken care of by the City. Courneya's have owned the property since 1970. Chuck Miller stated that the best information the Public Works Commission had to work with was a copy of the plat supplied by Don Coulter which showed a piece of road there. However, the Courneya's disputed that copy and still do. That was given to Paul Sandelin to verify. Dick Upton felt that the Courneya's are certainly entitled to a more expeditious resolution of this issue.
 - e. Pat Hoag asked for Council direction on the new downtown road. Dave Reese, City Engineer, has prepared the specifications and proposal form for obtaining quotes for the clearing and grubbing of the road. Chuck Miller stated it should go to the Public Works Commission with a recommendation from them coming back to the City Council in October.
6. UTILITIES
- a. Report from Kevin Larson, General Manager. 1) Long Distance division of the Telephone Company continues to grow with 555 customers as of August 30th, together with the Internet base which is now 154. 2) The successful bidder for the major outside plant construction of 14.32 miles of fiber and copper cable was awarded to Wilde Construction. Seven companies responded with the accepted bid in the amount of \$374,311.27, which is approximately \$50,000.00 less than projected. 3) There is a vacancy on the Utilities Commission due to a resignation of Kirby Young. An ad has been placed in the Country Echo and on Channel 12. Applications will be reviewed at the next meeting. 4) A building committee has been formed. Recommendations will be forthcoming. 5) New equipment is now being installed for the additional cable TV channels and are still on-schedule to have those channels available on September 15th. 6) A Strategic Plan is being developed and will be discussed at the next Commission Meeting.
 - b. 8/20/97 Letter to Wireless North LLC from City Attorney regarding loan document. Kevin Larson referred the Council to the highlighted portions of a letter from Paul Sandelin to Kevin. Question was raised regarding the urgency of this matter. MOTION 09R-13-97 MADE BY RAY SMYTH AND SECONDED

BY CHUCK MILLER TO AUTHORIZE THE EXECUTION OF THE FIVE DOCUMENTS IDENTIFIED IN THE LETTER FROM CITY ATTORNEY PAUL SANDELIN BUT THAT THE EXECUTED DOCUMENTS BE HELD IN THE CITY ATTORNEY'S OFFICE UNTIL THE SIDE AGREEMENT IS OBTAINED FROM RTFC IS OBTAINED. MOTION CARRIED UNANIMOUSLY.

Harlan Johnson, originally scheduled to appear under the City Administrator's Report, arrived late and was invited to address the Council. Mr. Johnson presented information on the Employee Dental Coverage Renewal. There are six companies available, including Delta Dental, the plan which the City has used in the past. The least expensive plan is American Medical Security, however, they do not have any participating providers in our area. Under the Delta Dental plan, all dentists in the area are participating. Mr. Johnson recommends staying with Delta Dental. MOTION O9R-14-97 MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO APPROVE RECOMMENDATION OF RENEWING WITH DELTA DENTAL FOR ELIGIBLE CITY EMPLOYEES INCLUDING THE TELEPHONE COMPANY. MOTION CARRIED UNANIMOUSLY.

7. PERSONNEL - No Report
 8. RECYCLING - Report given by Chuck Miller. Year-to-date total is 101.99 tons, with a monthly average of 18.46 tons. Mr. Miller noted that Al Benson had requested a City subsidy in next year's budget. As the subsidy was not approved, Mr. Benson will be operating strictly on County provided funds and therefore, he will discontinue plastic recycling.
 9. ECONOMIC DEVELOPMENT AUTHORITY - No Report
 10. EDUCATION COMMITTEE - No Report
- OLD BUSINESS - None
NEW BUSINESS - None
PUBLIC FORUM - None

MOTION O9R-15-97 MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO ADJOURN. Tom Swenson added prior to adjournment that there is no conflict with the Veteran's Day holiday and the Regular Council Meeting. MOTION CARRIED UNANIMOUSLY. MEETING ADJOURNED AT 9:12 PM.

Recorded by Darlene J. Roach, Deputy Clerk
and transcribed by:



Jane M. Michaud
Temporary Office Staff

