

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
REGULAR COUNCIL SESSION
SEPTEMBER 13, 1993
7:30 P.M. AT CITY HALL

The Council for the City of Crosslake Minnesota met in the Council Chambers of City Hall on Monday, September 13, 1993. The following Councilmembers were present: Mayor Kurt Anderson, Lyle Arends, Charles Miller, Dean Swanson and Jack Webster. Also present were City Attorney Paul Sandelin, City Clerk Arlene Buchite and approximately 36 residents.

Mayor Anderson called this regular Council session to order at 7:30 p.m. stating that the first item on the agenda would be the Consent Calendar.

MOTION NO. 9R-01-93 WAS MADE BY C. MILLER AND SECONDED BY L. ARENDS TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF THE AUGUST 9, 1993 REGULAR COUNCIL SESSION; (2) MINUTES OF THE AUGUST 26, 1993 SPECIAL COUNCIL SESSION; (3) THE CLERK/TREASURER'S FINANCIAL REPORT FOR AUGUST 1993; (4) THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR AUGUST 1993; AND (5) THE CABLEVISION COMPANY'S FINANCIAL REPORT FOR AUGUST 1993. MOTION PASSED UNANIMOUSLY.

CLERK'S REPORT - MOTION NO. 9R-02-93 WAS MADE BY J. WEBSTER AND SECONDED BY L. ARENDS TO APPROVE ALL BILLS AS PRESENTED INCLUDING: (1) DON COULTER FOR THE MCLIN SURVEY FOR \$969.00; (2) PORTAGE SAND AND GRAVEL FOR \$931.30; (3) JOHN DEERE FOR ANNUAL PAYMENT ON THE NEW LOADER FOR \$7156.36; (4) ZIEGLER FOR THE ANNUAL PAYMENT ON THE GRADER FOR \$6252.48; (5) LEAGUE OF MINNESOTA CITIES ANNUAL DUES FOR \$731.00; AND (6) AMERICAN BANK FOR FEES ON THE GOVERNMENT OBLIGATION BONDS FOR \$183.16. MOTION PASSED UNANIMOUSLY.

First item under correspondence was a letter from the City Attorney regarding the Game and Fish Club request to see if the City conveyed an easement in 1988 which they had no right to convey. According to the City Attorney Entry 43 was missing from the Game and Fish Club abstract and would be needed for an opinion. MOTION NO. 9R-03-93 WAS MADE BY D. SWANSON AND SECONDED BY L. ARENDS TO HAVE THE CITY ATTORNEY OBTAIN A CERTIFIED COPY OF ENTRY 43 AT THE CITY'S EXPENSE AND THEN RENDER AN OPINION AS TO REQUESTED. MOTION PASSED UNANIMOUSLY.

Clerk Buchite requested input on a request from the DNR regarding burning ordinances. It was the desire of the Council to not initiate a burning ordinance for the City but to let DNR continue to implement burning permit regulations.

A letter from DNR regarding grants was discussed briefly. Mr. Swanson will follow up on it.

Setting a date for Truth in Taxation was discussed briefly.
MOTION NO. 9R-04-93 WAS MADE BY J. WEBSTER AND SECONDED BY L. ARENDS TO SET THE TRUTH IN TAXATION DATE FOR THE CITY OF CROSSLAKE FOR WEDNESDAY DECEMBER 8, 1993 AT 7:00 P.M. MOTION PASSED UNANIMOUSLY.

Mayor Anderson informed the residents present that the proposed tax levy must be submitted to the County Auditor by September 15th but the final levy could be less than the proposed levy.
MOTION NO. 9R-05-93 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO PROPOSE \$501,235 FOR THE LEVY TO THE COUNTY AUDITOR. MOTION PASSED WITH L. ARENDS VOTING NAY.

MOTION NO. 9R-06-93 WAS MADE BY D. SWANSON AND SECONDED BY C. MILLER TO SET THURSDAY SEPTEMBER 30TH AND IF NECESSARY WEDNESDAY OCTOBER 13TH AT 9:00 A.M. AS BUDGET WORKSHOP DATES. MOTION PASSED UNANIMOUSLY.

MOTION NO. 9R-07-93 WAS MADE BY C. MILLER AND SECONDED BY J. WEBSTER TO APPROVE THE CHANGE IN THE FORMAT FOR THE TIF FUNDS IN THE ANNUAL AUDIT. MOTION PASSED UNANIMOUSLY.

Clerk Buchite indicated she had received a letter from Larson Allen Weishair & Co. requesting that they be allowed to submit a quote on the annual audit. It was the consensus of the Council that the Clerk request a quote from LAWCO.

Clerk Buchite indicated that Wadena and Grand Rapids invited the Council to attend their League Regional Meetings. Those Council that can will attend.

Clerk Buchite indicated that the Intern program was running out of money.
MOTION NO. 9R-08-93 WAS MADE BY L. ARENDS AND SECONDED BY C. MILLER TO ACCEPT THE INTERN AT NO COST TO THE CITY BUT NOT IF IT COSTS SOMETHING. MOTION PASSED UNANIMOUSLY.

Three representatives from the Chamber of Commerce were present to request funds from the City to help maintain the new chamber building. Joe Hauser stated that the building will be open later in the fall and wanted some help with the heating bills. The Chamber representatives will come back to the City with an anticipated cost to heat the building. Mr. Webster stated that he will schedule Tim to mow the lawns and ~~check the~~ *clean the floors and* bathrooms at the Chamber building. Mr. Webster said he would also like to see where other receipts will come from for the Chamber.

An employee who exceeded the amount of money he could earn in one year without paying into PERA was discussed briefly. Mr. Webster read a request to have the Council increase the employee's hours worked to a maximum of 700 per year.
MOTION NO. 9R-09-93 WAS MADE BY J. WEBSTER AND SECONDED BY L. ARENDS TO APPROVE A MAXIMUM OF 700 HOURS ANNUALLY FOR THE ROAD GRADER

OPERATOR. Mayor Anderson stated that he has been mayor for five years and he has never had to go over the limit before.
MOTION PASSED UNANIMOUSLY.

Clerk Buchite indicated she had received a letter from Widseth Smith Nolting and Associates regarding the Ox Lake Crossing Road. Discussion ensued. MOTION NO. 9R-10-93 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO TABLE THE DECISION ON OX LAKE CROSSING ROADS UNTIL THE NEXT COUNCIL MEETING. MOTION PASSED UNANIMOUSLY.

MAYOR'S REPORT - Mayor Anderson indicated that he had received a letter from Minnesota Pollution Control asking whether the City wanted to be on their intended use plan for 1994 for a wastewater treatment project but he did not feel that we would need anything until 1995. Councilmember Swanson said he would like to have the City stay on the list. Mayor Anderson will check into it.

Mayor Anderson informed the residents present that the Council was now considering purchasing lots adjacent to the fire hall and that the Council had directed the architects to limit the cost of the building to \$450,000 not including the property or architects fees. Grace Lund was present to say that she was representing the Old Log Landing Homeowners Association and the Association was very much against selling the property to the City for a fire hall. It was the consensus of the Council that it is the best location for a fire hall and since the existing fire hall is located there it is not adding any additional danger or noise.

Mayor Anderson stated that he received a letter from the fire marshal saying that Crosslake must comply with the requirements of the Uniform Building Code. Mayor Anderson asked the City Attorney to check on this and let the Council know whether we must abide by the UBC. Mr. Sandelin suggested that if an architect is used, he should be aware of fire code requirements.

PLANNING AND ZONING - Coordinator Teri Hastings stated that she was made aware of a deck violation whereby a resident added a deck without a permit. Ms. Hastings introduced the resident's attorney, Joe Christianson. Mayor Anderson said the whole problem here was the fact that the resident had not obtained a permit to put on a deck even after he had spoken to a neighbor who informed him that a permit was necessary for any building. Mayor Anderson stated that rather than go through a lengthy discussion at this meeting he would like to have the resident apply for a variance and have the Planning and Zoning Commission act on his application and if he is denied then he can appeal it to the Council. MOTION NO. 9R-11-93 WAS MADE BY C. MILLER AND SECONDED BY L. ARENDS TO RECOMMEND THAT MR. MCGLYNN APPLY FOR A VARIANCE TO BUILD A DECK SO HE HAS AN OPPORTUNITY TO BE HEARD. MOTION PASSED UNANIMOUSLY.

Administrator rather than a Utilities Manager to obtain uniformity in City management.

PUBLIC WORKS - Mayor Anderson thanked Patrick Hoag for his 20 years with the City.

Mr. Webster read a letter from Vern and Ethylene Ross thanking Pat Hoag and his crew for the excellent job they did clearing overgrown brush and trees on Eagle Street. MOTION NO. 9R-16-93 WAS MADE BY C. MILLER AND SECONDED BY J. WEBSTER TO PLACE A COPY OF THE LETTER IN THE PERSONNEL FILE OF ALL THE PUBLIC WORKS CREW WHO WORKED ON THE ROAD. Mr. Miller stated that City employees are constantly under the scrutiny of the public and it is a commendation when someone takes time to write a letter. MOTION PASSED UNANIMOUSLY.

Mr. Webster read a letter from Bruce Callahan stating that the end of Anchor Point Road is a private road and provides ingress and egress to property owners only. Mr. Webster also read a letter from Rodney Nelson who claims that the road has been maintained well beyond the 15 years necessary for the City to claim adverse possession. MOTION NO. 9R-17-93 WAS MADE BY J. WEBSTER AND SECONDED BY L. ARENDS TO TABLE THE PROBLEM ON ANCHOR POINT ROAD UNTIL THE NEXT COUNCIL MEETING. Mr. Miller stated that he drove out there and a fence is on the edge of the road and may hinder a fire vehicle from responding to an emergency. A brief discussion ensued. MOTION PASSED UNANIMOUSLY.

Mr. Webster stated that there is lot of undeveloped land in the platted areas of Manhattan Point which also includes roads that were never put in. Mr. Webster received a request from a land owner to clear enough of the area to move a mobile home onto his property. It was the consensus of the Council that he be allowed to do this.

Mayor Anderson stated that he missed an item on his agenda and that was the Tax Increment Financing Developers Agreement. Mayor Anderson indicated that he and Mr. Miller had not met with Bill Reed as yet but would as soon as Mr. Reed would be available.

LONG RANGE CAPITOL PLANNING - Nothing.

CEMETERY - Nothing.

PERSONNEL - Clerk Buchite indicated that the employees are requesting copies of their job descriptions which were to be completed some time ago.

Mr. Webster asked for clarification on Number 20 of the Guidelines for Commissioners. Mr. Miller and Mayor Anderson both stated that they felt it was well written and should be adhered to. Mr. Webster stated that the paragraph makes it

sound like a Commissioner has no "responsibility". It was stated that Commissioners have the authority to carry out the orders of the Council. Mr. Swanson stated that if the City hires an administrator it is a moot point anyway.

PARK AND RECREATION - Mr. Swanson read his report into the record. Mr. Swanson read that there are still many problems with the Park and Recreation Department one of which is the tennis program. Mr. Swanson stated that the Dam Run was poorly organized and receipts were late in being turned into the City Clerk.

Mr. Swanson indicated that the reports for this month will be placed in the Park and Recreation Director's personnel file.

MOTION NO. 9R-18-93 WAS MADE BY D. SWANSON AND SECONDED BY C. MILLER TO APPROVE PAYING THE \$30 REGISTRATION FEE FOR THE PARK DIRECTOR TO ATTEND THE GOLDEN HARVEST CONFERENCE ON OCTOBER 12TH. MOTION PASSED UNANIMOUSLY.

RECYCLING - Nothing.

PUBLIC SAFETY - Mayor Anderson read a letter of praise to the Police, First Responders and the Ambulance Crew from a resident of Timothy Township who had called 911 with heart attack symptoms earlier in the month.

Reports were received from the Police Department who had 193 calls for last month and the Fire Department who had 19 medical calls and 2 fire calls for the month.

NEW BUSINESS - Nothing.

OLD BUSINESS - The sound system for City Hall was discussed briefly.

The McLin survey and public easement was discussed briefly. The survey shows a drainfield partially into the easement and the corner of one of the abutting neighbors is in the middle of the road. City Surveyor Don Coulter stated that there would have to be a public hearing to vacate a portion of the road. The City Attorney will work on it to see what can be done about exchanging property. MOTION NO. 9R-19-93 WAS MADE BY D. SWANSON AND SECONDED BY L. ARENDS TO HAVE THE CITY ATTORNEY'S OFFICE DRAFT A LETTER TO HAVE THE DOCK REMOVED FROM THE PARK LANDING EASEMENT OF THE MCLIN PLAT. MOTION PASSED UNANIMOUSLY.

PUBLIC FORUM - Ms. Joyce Peck was present to show a letter to the Council written by a John Larson who claimed to be a police officer. No one was aware of a John Larson in the area by the name of John Larson. Mayor Anderson stated that he felt it was a joke or someone trying to be funny.

Mr. Miller said he was made aware of a resident who is not a

firemen but has been driving fire equipment from time to time and it has to stop.

MOTION NO. 9R-20-93 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO ENGAGE THE CITY ATTORNEY'S OFFICE IN PREPARING THE DEVELOPER'S AGREEMENT WITH BRIAN BITTNER. MOTION PASSED UNANIMOUSLY.

MOTION NO. 9R-21-93 WAS MADE BY L. ARENDS AND SECONDED BY C. MILLER TO ADJOURN THIS REGULAR COUNCIL SESSION AT 10:23 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by
Arlene A. Buchite, City Clerk/Treasurer

Arlene A Buchite