

SPECIAL COUNCIL MEETING  
CITY OF CROSSLAKE  
FRIDAY, SEPTEMBER 29, 2000  
1:30 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Friday, September 29, 2000. The following Councilmembers were present: Mayor Darrell Swanson, Irene Schultz, Dean Swanson, Richard Upton and Charles Miller. Also present was City Administrator Thomas Swenson, City Attorney Paul Sandelin, City Engineer Dave Reese and Deputy Clerk Darlene Roach.

Mayor Swanson called the special meeting to order.

1. Bills for Approval – MOTION 09S-01-00 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$10,872.98 AND \$5,543.24. MOTION CARRIED WITH ALL AYES.
  
2. Approve Aerobics Contract – Park and Recreation Director Jon Henke requested Council approval to contract with Donna Keiffer for morning aerobics. The morning session will begin on October 16<sup>th</sup> and continue for five weeks until November 16<sup>th</sup>. The cost for this class is \$440.95. MOTION 09S-02-00 WAS MADE BY IRENE SCHULTZ AND SECONDED BY RICHARD UPTON TO APPROVE CONTRACTING WITH DONNA KEIFFER FOR MORNING AEROBICS AT A COST OF \$440.95. MOTION CARRIED WITH ALL AYES.

Approval was also requested to contract with Kelli Thull to provide evening aerobic instruction beginning October 17<sup>th</sup> and continuing through November 16<sup>th</sup>. The cost for these sessions is \$180.00. MOTION 09S-03-00 WAS MADE BY IRENE SCHULTZ AND SECONDED BY RICHARD UPTON TO CONTRACT WITH KELLY THULL TO PROVIDE EVENING AEROBIC INSTRUCTION AT A COST OF \$180.00. MOTION CARRIED WITH ALL AYES.

Park and Recreation Director Jon Henke stated that the Park Advisory Commission will be discussing weekend shifts versus usage of the Community Center at their next meeting and a recommendation will be brought to the City Council at the November meeting.

3. Crosswoods LLC Development Agreement – City Attorney Paul Sandelin stated that the Developer's Agreement for Crosswoods Development, LLC has been revised after several meetings were held between the Developer, City Staff and himself. The revised draft of the Developer's Agreement was reviewed by the Council. City Attorney Sandelin stated that the Agreement does include the option of the Developer providing a performance bond in lieu of a letter of credit. In the context of a performance bond, the bond would remain in place through the term of the Agreement, which includes expiration of any applicable guarantee or warranty

period. The final plans and specifications for Swann Drive and Pioneer Drive will be attached as an exhibit to the Agreement and should be completed by WSN by October 1<sup>st</sup>. The internal improvements in Phase 1 are being completed by Landecker & Associates and should be completed next week. City Attorney Sandelin stated that these final plans and specifications will be attached and made a part of the Developer's Agreement when completed. Also included in the Agreement, upon the advice of City Engineer Dave Reese, is a provision that, in addition to sanitary sewer and streetlights, the City would also include storm sewer as an improvement that would be taken over at some point by the City. Request for transfer of ownership of the improvements would be made by the Developer after completion of those improvements, with the exception of Swann Drive, which will automatically be conveyed to the City upon completion. Some minor changes were made in the Agreement by the Council including a change in Section XX, A. to read: Swann Drive. "The City and Developer agree that Swann Drive from County Road 66 to County Road 3 shall be improved by Crosswoods Development, LLC, .... Discussion ensued regarding the \$10,000 amount and it was the consensus of the Council that the \$10,000 was a cap and that the developer pays their own engineering costs. City Engineer Dave Reese asked who was responsible for preparing the easements and City Administrator Swenson felt the Agreement should include that it is the responsibility of the Developer to draft the easements for City review. Councilmember Swanson asked who makes the determination as to whose expenses are whose. Councilmember Miller stated that the Council clearly defined this at the time that the \$10,000 amount was approved as being for legal/engineering and permitting. Councilmember Upton inquired as to whether easements would be included in legal/engineering. The Mayor directed the Staff to go back and review the record as to what the \$10,000 included. City Administrator Swenson stated that, given this direction, the Developer's Agreement could not be approved at this meeting. Mike Stone stated that they were expecting Council approval at this meeting on the Developer's Agreement. The easements under discussion were easements for the downtown storm system and would be needed for the Catholic Church, Jim Cotton and etc. City Engineer Dave Reese stated that the legal descriptions for these properties have already been prepared and that an agreement is in place with Bill Reed and the Stone's. On Page 12, wording was changed in the first paragraph to read as follows: "that the City would commit up to an additional \$10,000 to defray oversight and review expenses incurred by the City with respect to legal, engineering, permitting, or other professional fees for the Swann Drive improvement. ~~If there are any funds remaining after acceptance of Swann Drive by the City and payment of all expenses incurred by the City for legal, engineering, permitting, or other professional fees, those funds shall be turned over to the Developer.~~" City Administrator Swenson stated that before the plat and Developer's Agreement are signed, the Developer should pay all expenses due to the City. Since the expenses through this date have not yet been compiled, no final amount is known. Councilmember Upton asked if a contingency could be included and City Attorney Sandelin stated it could be included if the Council was comfortable with that kind of arrangement. Councilmember Miller asked if the City was required to take over the street lights and City Administrator Swenson stated that Crow Wing

Power will include the maintenance on these lights as part of the 1% that is earmarked for return to the City. The Developer is responsible for the hardware and equipment on the street lights. MOTION 09S-04-00 WAS MADE BY DEAN SWANSON AND SECONDED BY RICHARD UPTON TO APPROVE THE DEVELOPER'S AGREEMENT FOR CROSSWOODS DEVELOPMENT, LLC INCLUDING ALL REVISIONS NOTED AND TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY UPON RECEIPT OF PAYMENT OF ALL EXPENSES INCURRED THROUGH SEPTEMBER 29, 2000 AND WITH THE INCLUSION OF ALL SPECIFICATIONS AND EXHIBITS. MOTION CARRIED WITH ALL AYES.

4. Review Boundary of Surface Water Zone on Little Pine Lake – Community Development Director Paul Larson stated that Developer David Nevin met with City Administrator Swenson and himself and expressed a concern for the recently approved zoning boundary. Mr. Nevin felt the boundary was too far to the East and City Administrator Swenson and Community Development Director Paul Larson agreed with Mr. Nevin. Mr. Nevin was present at the meeting to request an adjustment to the boundary. A map of the area was included for Council information. The Council reviewed the map and identified the area where the protected area for the plat was to have been located. The Council was in agreement that the boundary appears to be beyond the protected area. MOTION 09S-05-00 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO APPROVE A REVISION TO THE SURFACE USE ZONING MAP. MOTION CARRIED WITH ALL AYES.
  
5. Letter dated September 29, 2000 from WSN regarding Big Pine Trail drainage issue – In 1999, Big Pine Trail was overlaid. Following this work, a driveway along this road was blacktopped and was matched into the City road. This action has created puddling on the road due to no elevation or ditching. Anderson Brothers, City Engineer Dave Reese, City Administrator Swenson and the affected property owners have discussed what options are available. Anderson Brothers was requested to come back with a quote on correcting the problem. Quotes were provided to the City for two alternative approaches to the problem. The first option is to mill and overlay which would change the crown of the roadway to allow drainage to flow across the roadway to the north. This option could not be done until spring and would be at a cost of \$3276. The second option is to do minor ditching and infrared heat shaping of the problem area. This option consists of heating the existing joint area between the street and the driveway and reshaping the joint so that the water will not puddle in the center of the driveway approach. This option would also include some minor ditching or swaling to the west of the driveway to allow for some storage area of runoff. The cost for this option is \$1991. It was the recommendation of the City Engineer to go with option #2 since work could be completed this fall which would eliminate the ice concerns this winter if the problem is not corrected. MOTION 09S-06-00 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO APPROVE ALTERNATIVE #2 IN THE

AMOUNT OF \$1991 SINCE THE WORK COULD BE DONE THIS FALL.  
MOTION CARRIED WITH ALL AYES.

6. WSN letter dated September 29, 2000 regarding Final Payment Estimate No. 3 – City Administrator Swenson stated that although this request was not included in the posted notice, Council action was being requested in order that the assessment process could be started. City Engineer Dave Reese stated that the final pay request reflects an adjustment in the retainage to 2 ½ %. MOTION 09S-07-00 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO APPROVE FINAL PAY ESTIMATE NO. 3 IN THE AMOUNT OF \$58,897.03. The retainage would be released upon evidence that the turf has been satisfactorily established. MOTION CARRIED WITH ALL AYES.
  
7. Personnel – A memo from City Administrator Tom Swenson stated that the Personnel Committee met on Wednesday, September 27<sup>th</sup> and recommended several actions. MOTION 09S-08-00 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO REMOVE ROBERT WILLARD AND JAY LORCH FROM PROBATIONARY STATUS AND BE GRANTED FULL TIME STATUS EFFECTIVE SEPTEMBER 29, 2000. MOTION CARRIED WITH ALL AYES. A second recommendation was to increase the \$1500 cap currently in effect for the Flex Reimbursement Program (cafeteria plan). This is a voluntary payroll deduction program which allows employees to pay for qualifying medical expenses with pre-tax dollars. MOTION 09S-09-00 WAS MADE BY DEAN SWANSON AND SECONDED BY RICHARD UPTON TO INCREASE THE LIMIT FOR THE FLEX REIMBURSEMENT PROGRAM TO \$3000. MOTION CARRIED WITH ALL AYES. A memo dated September 29<sup>th</sup> from the Personnel Committee requested approval for Debby Floerchinger to receive up to \$25.00 per pay period in matched deferred compensation retroactive to January 1, 2000. The Union employees were approved for a \$10.00 per pay period match during contract negotiations. MOTION 09S-10-00 WAS MADE BY RICHARD UPTON AND SECONDED BY IRENE SCHULTZ TO APPROVE DEBBY FLOERCHINGER'S RECEIVING \$25 PER PAY PERIOD IN MATCHED DEFERRED COMPENSATION RETROACTIVE TO JANUARY 1, 2000. MOTION CARRIED WITH ALL AYES. A request for unpaid absence from October 26<sup>th</sup> through October 30<sup>th</sup> was received from Carol Roquette. Under the Agreement between the City and AFSCME Local Union #689, Council approval is required. It was the recommendation of City Administrator Tom Swenson and Deputy Clerk Darlene Roach that this request be approved. MOTION 09S-11-00 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO APPROVE CAROL ROQUETTE'S THREE DAYS OF UNPAID ABSENCE PROVIDED ALL COMPENSATORY TIME EARNED IS USED DURING THIS ABSENCE. MOTION CARRIED WITH ALL AYES.
  
8. Other Business – Community Development Director Paul Larson has received a request from a resident to use topographic information that is the property of the City. Council direction was requested as to what fee should be charged for this

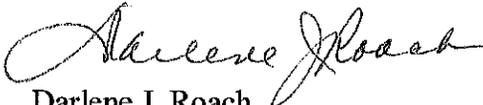
information. It was the recommendation of the Staff that a minimum of \$100 be charged for an area up to five acres in size and \$50 for each additional acre. City Administrator Swenson suggested that a \$150 minimum be established. Mayor Swanson felt that the Council could act on this one request, however, no more information would be needed before a policy could be adopted. It was the consensus of the Council that this one request could be acted on based on the Staff recommendation.

Mayor Swanson inquired as to where the City was on the sewer easements. City Attorney Sandelin stated that he has contacted John Aho to do the appraisal.

Mayor Swanson stated that Chuck Crist had contacted him regarding the status of legislation pertaining to the Oberstar money. Legislation is still moving in Congress and Mr. Crist will keep Mayor Swanson informed of its progress.

MOTION 09S-12-00 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO ADJOURN THIS SPECIAL COUNCIL MEETING AT 2:42 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach  
Deputy Clerk/Treasurer

BILLS FOR PAYMENT				
29-Sep-00				
VENDOR		DEPT	CHECK #	AMOUNT
Cellular One - cell phone service		PD		\$147.23
Viking Coke - pop		Park		\$16.24
Paul Larson - reimbursement for Plg Conf		P&Z		\$98.84
Paul Larson - travel exp Plg conf		P&Z		\$101.84
Dave Markgraf - Fire Fighter 1 Class		FD		\$42.26
NSP - natural gas		Park		\$95.96
NSP - natural gas		PW		\$16.61
NSP - natural gas		Warm Hse		\$22.66
Crow Wing Coop - electric		PW		\$15.98
Crow Wing Coop - electric		PW		\$89.30
Crow Wing Coop - electric		St Lights		\$59.11
Crow Wing Coop - electric		Park		\$342.30
Crow Wing Coop - electric		Wm Hse		\$45.32
Insty Prints - zoning maps		P&Z		\$76.36
Crow Wing Coop - electric		Gov't		\$455.00
The Office Shop - file folders		P&Z		\$44.50
League of Mn Cities - dues		Gov't		\$1,164.00
Postmaster - newsletter mailing		Adm		\$171.39
Walmart - carpet cleaning supplies		Park		\$14.90
Ace Hardware - keys, moth balls		Park		\$7.87
Crosslake Rolloff - recycling for October		Recycle		\$1,600.00
Houston Ford - service		PD		\$19.27
Reed's - Sentence to Serve Food		PW		\$51.01
Dean Brodin - expenses		P&Z		\$100.00
Nancy Koch - expenses		P&Z		\$50.00
Jim Trautman - expenses		P&Z		\$150.00
Jack Huber - expenses		P&Z		\$50.00
Andy Anderson - expenses		P&Z		\$125.00
Randy Godeke - expenses		P&Z		\$75.00
Jim Nauman - expenses		P&Z		\$25.00
Jack Webster - expenses		P&Z		\$125.00
Carol Roquette - election training expenses		Elect		\$18.00
Carol Roquette - STS lunch mileage/Firefighter		PW/Fire		\$45.44
Geraldine Sawatzke - judge trg & judge time		Elect		\$153.00
Geraldine Sawatzke - mileage for elect trg		Elect		\$32.50
Del Becke - judge training & election hours		Elect		\$66.00
Del Becke - mileage for trg		Elect		\$16.90
Vivian Gerold - judge training & election hours		Elect		\$66.00
Vivian Gerold - mileage		Elect		\$16.25
Fran Horton - judge training & election		Elect		\$69.00
Doris Stevenson - judge training & election		Elect		\$78.00
Judy Cotton - judge training & election		Elect		\$60.00
Ruth Hoag - judge training & election		Elect		\$69.00
Ruth Hoag - mileage for judge training		Elect		\$19.50
Ordell Buntje - judge training & election		Elect		\$84.00
Ordell Buntje - mileage		Elect		\$45.50



