

SPECIAL COUNCIL MEETING
THURSDAY, SEPTEMBER 30, 2004
9:00 A.M. – CITY HALL

Pursuant to proper notice and call, the City Council met in a special session on Thursday, September 30, 2004 at 9:00 A.M. The following Councilmembers were present: Mayor Darrell Swanson, Dean Eggena, Bettie Miller, Dick Phillips and Irene Schultz. Also present was City Administrator Tom Swenson, Park and Recreation Director Jon Henke, Chief Bob Hartman, Public Works Director Ted Strand, City Attorney Paul Sandelin, City Engineer Dave Reese and Clerk/Treasurer Darlene Roach. There were three individuals in the audience.

1. Mayor Swanson called the meeting to order at 9:00 A.M.

2. Review recommendations from Sewer Committee – The Sewer Committee met on Monday, September 27th and recommend Council action on various items. Sewer Committee Chair Dean Swanson presented the various items. At a previous meeting, the Council approved withholding \$5,000 in retainage to Hammerlund Construction pending resolution of a claim filed by Terry and Candy Banbury for damage to a retaining wall allegedly caused by Hammerlund Construction. The amount requested to repair the retaining wall is \$1,960. As a result of this action, a letter dated September 20th from Attorney Aaron Dean representing Hammerlund Construction requested payment in full of the money due under the contract. Based on City Attorney Sandelin's review of the Sewer Contract with the League of Minnesota Cities, it is his recommendation that the money owed Hammerlund Construction be paid in full. WSN recommended release of the money previously. The Council agreed that the alleged claim should be reviewed and handled between the property owner and Hammerlund Construction. Councilmember Schultz asked if the City should pay any interest since the payment was not made within the seven days requested in the letter and City Attorney Sandelin advised that the City pay only the \$5,000 owed to Hammerlund Construction. MOTION 09S3-01-04 WAS MADE BY BETTIE MILLER AND SECONDED BY DICK PHILLIPS TO RELEASE THE \$5,000 OWED TO HAMMERLUND CONSTRUCTION UNDER THE TERMS OF THE CONTRACT. MOTION CARRIED WITH ALL AYES. Regarding the Banbury issue, they need to decide if they're going to proceed with further claim against Hammerlund Construction. City Administrator Swenson suggested that the Banbury's be sent a letter informing them that the City is no longer intervening between the contractor and themselves for alleged damages to the retaining wall. Any correspondence should be directed to Hammerlund Construction. It was the consensus of the Council that City Attorney Sandelin send a letter to the Banbury's.

A letter from Cliff Wiebke dated September 22nd requested \$300 in reimbursement for excavation costs incurred by him due to the service stake being set at a location that was not the end of the service stub. City Engineer Dave Reese distributed sketch's showing the proposed location of the stub during the construction plan and the actual placement of the stub within the easement. Hammerlund was unaware of

the location of the easement when the work was performed. There was some discussion regarding who should pay for these types of reimbursements. City Administrator Swenson stated that there will more than likely be more of these situations as property owners connect. Councilmember Eggena agreed that there are possibly several situations where the stakes aren't located where the lines are and the Council needs to set policy on who reimburses the property owners for these additional costs. MOTION 9S3-02-04 WAS MADE BY BETTIE MILLER AND SECONDED BY IRENE SCHULTZ TO REIMBURSE CLIFF WIEBKE \$300 FOR ADDITIONAL COSTS INCURRED BY HIM WHEN CONNECTING TO THE SEWER SYSTEM DUE TO THE STAKE BEING LOCATED IN AN INCORRECT LOCATION. MOTION CARRIED WITH ALL AYES.

A pay request from KHC Construction dated July 22, 2004, which was sent to WSN, was never forwarded to the City for payment. The contractor is requesting payment for change order work in the amount of \$24,416.42. WSN has reviewed the pay request and recommends payment. MOTION 09S3-03-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO APPROVE PAY REQUEST #17 FOR KHC CONSTRUCTION IN THE AMOUNT OF \$24,416.42. MOTION CARRIED WITH ALL AYES.

Clerk Roach prepared a summary of Sewer Expenditures and Revenues from year 2000 to date for Council information. The Council commended Clerk Roach on the excellent job she did in recapping the Sewer Project revenues and expenditures.

3. Liquor License Transfer – A memo dated September 22nd from Clerk Roach requested Council approval for the transfer of a 3.2 Off Sale Non-Intoxicating License for Video Plus from Jay Andolshek to David G. Ketcher. All required documentation was provided to the City along with a pro-rated check in the amount of \$20.80 for the license fee. The Police Department has conducted a criminal background investigation which resulted in satisfactory findings. MOTION 09S3-04-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE TRANSFER OF THE 3.2 OFF SALE NON-INTOXICATING LICENSE FOR VIDEO PLUS TO DAVID G. KETCHER. MOTION CARRIED WITH ALL AYES.

4. Chief Hartman reviewed a policy dealing with Supervision of Part-Time Peace Officers for inclusion in the Crosslake Police Department Policy Manual upon approval of the Council. This policy addresses supervision for part-time police officers working less than 1,040 hours a year. MOTION 09S3-04-04 WAS MADE BY DEAN EGGENA AND SECONDED BY BETTIE MILLER TO APPROVE THE POLICY DEALING WITH SUPERVISION OF PART-TIME PEACE OFFICERS FOR INCLUSION IN THE CROSSLAKE POLICE DEPARTMENT POLICY MANUAL. MOTION CARRIED WITH ALL AYES.

5. Bills for Approval – MOTION 09S3-05-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$27,903.42. MOTION CARRIED WITH ALL AYES.

MOTION 09S3-06-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DICK PHILLIPS TO ADJOURN THIS SPECIAL COUNCIL MEETING AT 9:40 A.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach
Clerk/Treasurer

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**BILLS FOR APPROVAL
30-Sep-04**

VENDORS	DEPT	AMOUNT
Abra Landscaping, install trees	PW	3,584.00
Ace Hardware, plunger, brush	Gov't	10.51
Ace Hardware, wasp spray, drill bits	P&R	20.60
Ace Hardware, blades	PW	42.05
Ace Hardware, glue	PW	11.46
Ace Hardware, wheel measure	PW	143.76
Ace Hardware, pvc, adapters, clamps, elbows	PW	19.88
Allen Eliason, training, mileage, election judge	Election	67.50
American Security Cabinets, payment box	Sewer	1,572.87
AmeriChem, lift station degreaser	Sewer	1,615.61
Ameripride, mats	PW	97.55
Anderson Brothers, class 1	PW	413.25
Arlene Courneya, training, mileage, election judge	Election	77.25
A W Research, water testing	Sewer	222.00
Carie Fuhman, reimburse mileage for training	P&Z	129.46
Cascade Computers, laptop	Police	1,782.89
Cellular One, cell phone charges	PW	28.84
Cellular One, cell phone charges	Police	283.81
Cindy Larson, training, mileage, election judge	Election	84.38
Crosslake Communications, reimburse ups postage	Police	21.57
Crosslake Communications, phone, fax, internet, cable	ALL	1,164.87
Crow Wing County Highway Department, fuel	ALL	2,457.97
Crow Wing Power, electric services	ALL	3,360.00
Culligan, water and cooler rental	PW	34.65
DG Towing, rotation, lof	Police	28.70
East Side Oil, used filters/antifreeze	Recycling	95.00
Echo Publishing, public hearing 9-24	P&Z	81.25
Echo Publishing, regular envelopes	Admin/P&Z	62.37
Echo Publishing, window envelopes	Admin/P&Z	66.43
Election Systems & Software, receipts	Admin	67.25
Erik Lee, reimburse for cost of training	Police	65.00
Fastenal, aerial lift kit	PW	219.70
Ginny Arvig, training, mileage, election judge	Election	86.25
Hawkins Water Treatment, aluminum sulfate	Sewer	261.01
Ikon, cartridges	Admin/P&Z	234.29
James Stevenson, training, mileage, election judge	Election	75.00
Jean Erickson, training, mileage, election judge	Election	86.25
Judy Cotton, training, mileage, election judge	Election	138.75
Kathy Allen, training mileage, election judge	Election	76.50
League of MN Cities, annual conference	Admin	315.00
Marie Strand, training, mileage, election judge	Election	91.51
Martin Communications, repair radio	Police	73.51
Mastercard, Oriental Trading, halloween supplies ck#36050	P&R	87.30
Mastercard, Quiznos, meal while travelling	Police	13.01
Mastercard, Radisson, lodging for class ck#36051	P&Z	124.37

Mastercard, Whitefish Auto, oil change ck#36051	P&Z	23.60
Menards, fixer, rags, glue, lanscape timber	PW	211.30
Menards, fertilizer	PW	681.38
Menards, lanscape timber	PW	157.80
Morrison County Tractor, blade, bolt, nut, washer	PW	121.99
Office Max, dvds	Gov't	15.96
Ordell Buntje, election judge	Election	45.00
Paul Willmus, repair water heater	Gov't	167.00
Property 3 Homes, refund permit fee	P&Z	116.00
Quill, calendar, accounting paper	Admin/P&Z	7.65
Reeds Market, coffee, election consessions	Election	65.55
Reeds Market, election consessions	Election	89.98
Ruth Hoag, training, mileage, election judge	Election	93.75
Simonson Lumber, ground contact	P&R	32.88
Tom's TV, dvd recorder	Gov't	2,663.66
Triangle Oil, diesel fuel	PW	157.37
Triangle Oil, fuel	PW	321.66
UPS, postage ck#36059	Police	36.40
UPS, postage ck#36059	Police	24.35
USA Bluebook, mixer, drum pump, motor	Sewer	2,530.14
Viking Coca Cola, pop	PW	61.34
Viking Coca Cola, pop	P&R	21.30
Visu-Sewer, sewer inspection	Sewer	350.00
Window Wizards, window cleaning	Gov't	110.00
Xcel Energy, gas utilities	ALL	202.18
TOTAL		27,903.42