

REGULAR COUNCIL MEETING  
CITY OF CROSSLAKE  
MONDAY, OCTOBER 10, 2005  
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, October 10, 2005. The following Council Members were present: Mayor Jay Andolshek, Terry Curtis, Dean Eggena, Dick Phillips and Dean Swanson. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, Public Works Director Ted Strand, Park and Recreation Director Jon Henke, Police Chief Bob Hartman, General Manager Dennis Leaser, Clerk/Treasurer Darlene Roach, City Attorney Kirk Adams, City Engineer Dave Reese, Lake Country Echo Reporter Betty Ryan and Brainerd Dispatch Reporter Jennifer Stockinger. There were approximately forty individuals in the audience in addition to Staff.

**A. CALL TO ORDER-** Mayor Andolshek called the Regular Council Meeting to order at 7:00 P.M. A motion to accept the additions to the agenda was requested. MOTION 010R-01-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO ACCEPT THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

**B. CRITICAL ISSUES** – Crow Wing County Commissioner Ed Larsen was present to update the Council on the County Waste Management System and other projects within the City. Larsen was pleased to report that the Crow Wing County Transit System, which was implemented over two years ago, has been a huge success. Initially there were approximately 200 riders per month and the service has increased to over 2,500 riders per month. Larsen thanked the Council for their letter regarding improvement to County Road 66 and the County's work on funding for the Greer Lake Park Account Road Project. The County roads within the City are in good shape with the exception of County Road 3 which is the next project to be undertaken in this area. Preliminary estimates reflect a cost of around 3 million dollars to improve the road from County Road #4 north to County Road 1 in Fifty Lakes. A traffic count at the junction of #3 & #4 reflects usage in excess of 8,000 cars per day. Larsen stated that things get accomplished when the County works with City's on projects as was evident with the Joint Public Works Facility recently completed in Crosslake. The same building is being proposed for the County at the site of the airport and the cost for the building is \$1.5 million dollars more than the one constructed in Crosslake. One of the major projects the County is getting involved with is ATV use in the road right-of-way. Larsen stated that he would predict that the County Roads will be closed in the future due to the amount of damage that is being caused by ATV use. County Road #66 will be one of the first roads to be looked at. Regarding the County Waste Management System, several Councilmembers have attended meetings conducted by the County. Larsen stated that the County is looking at areas where wastewater disposal presents a problem. With 90,000 parcels in the County, there are many parcels not connected to a municipal system. If the systems are not properly maintained they will create a health problem with the ground water. Another issue is finding a place to dump what is pumped out of the septic tanks. Crow

Wing County has approximately 104,000 acres of public land which a portion someday could be utilized for this. With larger lots being subdivided into smaller lots, the large parcels are going away. Another consideration in some areas is the need for cluster systems. Crow Wing County has been approved to embark on a pilot plan which will include the Townships of Mission, Pelican, Lake Edwards and Center with the opportunity for Ideal Township and Crosslake to join the program. There will be a fee of approximately \$25 per household which will be used to set up the Management System. The County will not do the inspection or the pumping but will set up a database of every septic system in this area. Larsen stated that he was formally inviting the City to be included in the pilot program and if the Council agrees to join, the program would consist of the properties in the Thirty Lakes Watershed District, Ideal Township and Crosslake. The County was notified that they will be receiving a grant of \$500,000 from the Federal Government and a grant of \$100,000 from the MPCA. A Sewer Board will be established which will consist of members of the various jurisdictions. Larsen asked that the Council make a decision and inform the County prior to the County certifying their levy. The Council agreed to review the issue at a future meeting. Commissioner Larson suggested that a public hearing be held for property owners utilizing the County's consultant.

**C. CONSENT CALENDAR – MOTION 10R-02-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR CONSISTING OF: (1.) MINUTES OF SPECIAL COUNCIL MEETING OF AUGUST 31, 2005; (2.) MINUTES OF REGULAR COUNCIL MEETING OF SEPTEMBER 12, 2005; (3.) MINUTES OF SPECIAL COUNCIL MEETING OF SEPTEMBER 21, 2005; (4.) CROSSLAKE COMMUNICATIONS BALANCE SHEET AND INVESTMENT/CASH SUMMARY DATED AUGUST 31, 2005; (5.) CITY MONTH END REVENUE REPORT DATED AUGUST 31, 2005; (6.) CITY MONTH END EXPENDITURE REPORT DATED AUGUST 31, 2005; (7.) LAKES STATE BANK PLEDGE REPORT DATED SEPTEMBER 2005; (8.) LAKEWOOD BANK PLEDGE REPORT DATED SEPTEMBER 2005; (9.) NORTHERN NATIONAL BANK PLEDGE REPORT DATED SEPTEMBER 2005; AND (10.) FIRST FEDERAL SAVINGS BANK PLEDGE REPORT DATED SEPTEMBER 2005. MOTION CARRIED WITH ALL AYES.**

**D. PUBLIC FORUM – None**

**E. MAYOR'S REPORT –** Mayor Andolshek noted that there was a lot of information to cover in the packet and he would do his best to move the meeting along. A letter from the League of Minnesota Cities dated September 27, 2005 informed cities of a Federal Court decision affecting liability and liability limits in joint powers agreements. City Attorney Kirk Adams stated that he has spoken with Ellen Longfellow at the League regarding this issue and she suggested that cities sit back and wait to see how this would be interpreted in State Courts, but be aware.

**F. CITY ADMINISTRATOR REPORT –**

1. City Bills for Approval – MOTION 10R-03-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNTS OF \$51,450.79 AND \$26,417.32. MOTION CARRIED WITH ALL AYES.
2. A memo from City Administrator Swenson dated October 5, 2005 contained a proposal from Mathias Justin Ltd to conduct the 2005 audit in the amount of \$7,500. A letter from the City to Keith Porter of Beinhorn, Porter & Mayer, Ltd. requested a quote to prepare the 2005 audit and a proposal letter and follow up email from Mr. Porter clarifying the proposal for the 2005 audit in an amount not to exceed \$5,500. Another firm was contacted for a quote but no reply was received. MOTION 10R-04-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO ACCEPT THE PROPOSAL FROM BEINHORN, PORTER AND MAYER, LTD TO CONDUCT THE 2005 AUDIT IN AN AMOUNT NOT TO EXCEED \$5,500. MOTION CARRIED WITH ALL AYES. City Administrator Swenson commented that the proposal was to conduct a GASB 34 audit. Any extenuating circumstances, such as the need for a single Federal audit as a result of the RUS Loan, may result in additional costs. The cost for the single audit would be passed along to Crosslake Communications.

#### **G. COMMISSION/DEPARTMENT REPORTS –**

1. LIBRARY – Alden Hardwick reported that the presentation by Herb Suerth, one of the 14 remaining “Band of Brothers”, which was sponsored by the Library Committee and held at the Crosslake Community Center on September 20<sup>th</sup> was very well attended. General Andy Iosue introduced Mr. Suerth after the Crosslake/Fifty Lakes American Legion Color Guard presented the colors. After the presentation by Mr. Suerth, eleven WW II veterans were recognized. A grant in the amount of \$2,500 was approved by the Brainerd Lakes Area Community Foundation for use for the new library. Approval of the grant agreements was requested. MOTION 10R-05-05 WAS MADE BY DEAN SWANSON AND SECONDED BY TERRY CURTIS TO ACCEPT THE GRANT FROM THE BRAINERD LAKES AREA COMMUNITY FOUNDATION WITH AUTHORIZATION FOR THE MAYOR TO SIGN THE AGREEMENT. MOTION CARRIED WITH ALL AYES. The Crosslake/Ideal Lions Club donated \$3,000 towards software for the library as well as committing \$25,000 to the Library as the President’s Project. In addition, a Lions Club member will join the Library Committee. Books can still be dropped off at the cabin on the Park Property between 10:30 – 11:30 a.m. on Tuesday mornings. Roy and Carol Kraft have donated three computer systems to the Library and Cascade Computers has agreed to service the computers as a donation to the Library. The grant applications to Grand Casino and Northern Lights are almost finished and Council approval to submit the grant applications was requested. The Committee feels that sufficient money has been donated and pledged for the Library building, however fundraising will continue for furniture and equipment. MOTION 10R-06-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO APPROVE THE LIBRARY COMMITTEE’S SUBMITTING GRANT APPLICATIONS IN THE AMOUNT OF

\$5,000 TO GRAND CASINO AND NORTHERN LIGHTS CASINO. MOTION CARRIED WITH ALL AYES. The Committee has been working with George Riches on specs and details who in turn has met with Kuepers Construction. The proposed cost for the joint expansion including the library, weight room and other improvements at the Community Center is estimated at \$446,000. This does not include engineering costs or contingencies. The Committee will come back to the Council when they finalize the step-by-step process and request Council approval on each item. The Committee would like to find out what it would cost to do a bid package. A goal of \$300,000 has been set for the library portion of the building and the Committee has raised \$257,000. The Park and Recreation Department has \$130,000 in park dedication funds that can be used for the project totaling \$387,000. Councilmember Eggena suggested that George Riches be offered the opportunity to put the bid package together since he has done all of the prior work on a volunteer basis. Councilmember Curtis congratulated Alden Hardwick on the way he presents the information and commended him for his help.

2. PUBLIC SAFETY –

- a. Chief Bob Hartman reported 109 calls in Crosslake in September.
- b. Chief Bob Hartman reported 37 calls in Mission Township in September.
- c. An update to the Police Manual regarding searches of persons and vehicles was presented for Council approval. MOTION 10R-07-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO APPROVE THE POLICY MANUAL UPDATE FOR SEARCHES OF PERSONS AND VEHICLES AS PRESENTED. MOTION CARRIED WITH ALL AYES.
- d. A memo from Chief Hartman requested approval to purchase the 2006 Crown Victoria Squad Car at a cost of \$21,597. The lag time between ordering and receiving the car is approximately 60 to 90 days. Two quotes were received and Houston Ford in Pine River provided the lowest quote. Chief Hartman stated that the Department will remove as much of the equipment as possible from the old squad before transferring the car to the Park and Recreation Department. MOTION 10R-08-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO AUTHORIZE THE ORDERING OF THE 2006 FORD CROWN VICTORIA SQUAD CAR FROM HOUSTON FORD AT A COST OF \$21,733.50 FOR DELIVERY AFTER THE FIRST OF THE YEAR. MOTION CARRIED WITH ALL AYES.
- e. A petition was received from residents of Old Log Landing to stop bow hunting in Old Log Landing. Cary Shoutz, State Conservation Officer for Crosslake, addressed the Council and stated that he has spoken before the Council on numerous occasions regarding this issue and was surprised to find it on the agenda again. Shoutz stated that ten days ago he was contacted by Terry Fussy that someone was bow hunting in the area of Old Log Landing. Mr. Fussy was not willing to provide Shoutz with the name of the hunter, but Shoutz did locate the person and determined that he was hunting in a safe manner. Shoutz stated that there is no State Statute

regarding bow hunting. He stated that he has not received any complaints in Crosslake regarding bow hunters and stated that most communities welcome the elimination of deer. Residents are feeding deer in urban areas which is not what should be done and suggested that the Council address that issue. If the proposed ordinance before the Council is approved, Shoutz stated that he could not enforce the ordinance since it does not follow State Statute so it would need to be enforced by the local police department. Councilmember Eggena stated that he felt the Ordinance would be a fix for the City and also give hunters the ability to hunt with permission of the landowner. Councilmember Curtis asked if the proposed 500' was a good number. Eggena stated that the State determined that 500' was a good number for firearms so would be consistent with that. Chief Hartman stated that he would like the enforcement done by the DNR rather than by his officers. How would the police department be able to look for someone out in the woods in camouflage? Hartman suggested giving the Police Department and DNR Enforcement Officers the chance to deal with these people before we implement an ordinance. Councilmember Swanson stated that this issue has been before the Council numerous times and the cause is the feeding of deer by residents. Councilmember Eggena asked how we write an ordinance to prevent the feeding of deer. The meeting was open to the public for comments. Terry Fussy stated that he has spoken with both Chief Hartman and Officer Shoutz. Fussy stated that he is not trying to stop bow hunting but he has seen this area change where it is all houses in Old Log Landing now. Shoutz stated that most bow hunters are shooting high-powered compound bows averaging 60 to 80 pounds. Bill Horning addressed the Council and stated that he has lived in Crosslake since 1979 and the petition contains a list of 22 people who are opposed to bow hunting in this area. Horning stated that yesterday he saw a hunter looking for an arrow for about 20 minutes and never found it. Mr. Horning stated that he found a dead deer in his backyard with an arrow lodged in its body which was reeking of smell. He stated that times have changed and the Council needs to take that into account. Jeanne Horning addressed the Council and stated that she is not against hunting but does feel it is a safety issue since this is a residential area. Mayor Andolshek stated that part of the problem is that there are small lots and larger tracts within the City and it's hard to find a compromise. Dennis Flagg addressed the Council and stated that he is the bow hunter in Old Log Landing. He stated that the Horning's had a salt lick and corn cobs in their yard so they are feeding the deer. Flagg stated that if the ordinance is approved, it won't bother him, but what he is doing now is legal. Councilmember Curtis stated that he doesn't have a problem with the proposed ordinance for both firearms and archery. Officer Shoutz stated that in the metro areas, big dollars are paid for controlled hunts due to the excess deer population. Chief Hartman stated that in the past he proposed color-coded maps to the Council where bow hunting could be allowed and where it could be prohibited. Councilmember Eggena felt this was a good ordinance and gave the enforcement people something to stand behind.

Cary Shoutz stated that a public nuisance ordinance could handle bow hunting problems and stated that he would hate to see the entire city having to follow this ordinance. Hartman again suggested that zones be specified. Mayor Andolshek stated that he could see areas where we want to allow bow hunting and other areas where we would want to prohibit but at this time would be opposed to the proposed ordinance. Councilmember Phillips felt that 500' was excessive and could agree to 200'. Councilmember Eggena stated that if the ordinance isn't acted on tonight it will not be acted on again until next year at this time. Butch Doerfler addressed the Council and agreed with Councilmember Phillips that 200' was more appropriate. Doerfler felt 500' was ridiculous since you have to thin the deer out or you'll have people killed, inner breeding and disease. Doerfler stated that Camp Ripley prohibited deer hunting and since they reopened it for archery, the deer have been better, healthier deer. Terry Fussy addressed the Council and stated that the deer in Crosslake are getting shot either by bow or by firearms.

- f. Draft Ordinance Amendment Regulating Bow Hunting within the City - MOTION 10R-09-05 WAS MADE BY DEAN SWANSON AND SECONDED BY JAY ANDOLSHEK TO TABLE THE ISSUE AND SEND BACK TO PUBLIC SAFETY FOR FURTHER REVIEW. MOTION FAILED WITH ANDOLSHEK AND SWANSON VOTING AYE AND CURTIS, EGGENA AND PHILLIPS VOTING NAY. Subsequent to this motion, MOTION 10R-10-05 WAS MADE BY DEAN EGGENA AND SECONDED BY JAY ANDOLSHEK TO AMEND THE PROPOSED ORDINANCE TO CHANGE THE DISTANCE TO 250' FOR BOW HUNTING. City Administrator Swenson stated that there has been no discussion regarding City property and this should be addressed. Park and Recreation Director Henke stated that the Park encompasses 150 acres with 80 acres of dry land and the remainder wetlands. Currently there is a policy that prohibits hunting on park property. The proposed ordinance, under item d., does address events or instructional programs administered through the Park Department. Officer Shoutz commented that the proposed ordinance would restrict target practice on the State Refuge which is currently allowed. MOTION FAILED WITH ANDOLSHEK, SWANSON AND PHILLIPS VOTING NAY AND CURTIS AND EGGENA VOTING AYE. Following the defeat of this motion, MOTION 10R-11-05 WAS MADE BY DEAN SWANSON AND SECONDED BY JAY ANDOLSHEK TO SEND THE ORDINANCE BACK TO THE POLICE DEPARTMENT AND DNR FOR REVISION FOR RETURN TO THE COUNCIL IN NOVEMBER. MOTION FAILED WITH ANDOLSHEK AND SWANSON VOTING AYE AND CURTIS, EGGENA AND PHILLIPS VOTING NAY. Following the defeat of this motion, MOTION 10R-12-05 WAS MADE BY TERRY CURTIS AND SECONDED BY DEAN EGGENA TO APPROVE ORDINANCE AMENDMENT NO. 212 AS DRAFTED WITH A CHANGE IN THE DISTANCE TO DISCHARGE A BOW AND ARROW TO "WITHIN 200 FEET OF ANY BUILDING". MOTION CARRIED

WITH CURTIS, EGGENA AND PHILLIPS VOTING AYE AND ANDOLSHEK AND SWANSON VOTING NAY. The City Attorney was directed to reflect this change in the Ordinance Amendment. MOTION 10R-13-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO PUBLISH A SUMMARY OF ORDINANCE AMENDMENT NO. 212. MOTION FAILED WITH CURTIS, EGGENA AND PHILLIPS VOTING AYE AND ANDOLSHEK AND SWANSON VOTING NAY. Since a 4/5<sup>th</sup> vote is required to publish an ordinance summary, the entire ordinance amendment will be published.

- g. Bob Garin/Bob Hartman – Update on Civil Defense Sirens – A letter dated September 14, 2005 from City Administrator Swenson to Gary and Dawn Peltzer advised the Peltzer's that a discussion was held at the Council Meeting of September 12, 2005 regarding civil defense sirens which was tabled until the October 10, 2005 meeting. A memo dated September 27, 2005 from Emergency Management Director Bob Garin, Police Chief Bob Hartman, Public Works Director Ted Strand and City Administrator Tom Swenson regarding the relocation of the County Road 3 civil defense siren was read by Mayor Andolshek. Garin stated that he has spoken to the residents in the area of the Cedar Chest, where a siren is located and they indicated that they support the siren at that location. Garin spoke with Holden Electric and was informed that it would cost between \$3,000 - \$4,000 to move the siren which is currently situated on County right-of-way in the area of the Peltzer residence. Mr. Peltzer addressed the Council and stated that there was no communication between the City and himself regarding the location. He stated that the City had the pole removed and replaced with a pole 70' tall with a siren. Peltzer stated that there is another site on State land where the siren could be located which is a higher elevation than his property. Councilmember Curtis stated that the City made a mistake and that it would have been a common courtesy to contact the property owner to be included in the decision. Councilmember Swanson disagreed. He stated that the pole is located on County right-of-way and Crow Wing Power put the original pole in, not the property owner, and what the City did was replace the pole in the same location and installed a civil defense siren. The siren only goes off once a month, unless there is an emergency, and should not be offensive. Councilmember Phillips commented that Councilmember Curtis thinks the City made a mistake, however not all Councilmembers agreed with that statement. Phillips stated that experts in this field determined that this was the best location for the siren to provide the most coverage and he has to support that decision. Mr. Peltzer stated that he contacted Crow Wing Power and was informed that there was an alternate location for the siren. Peltzer stated that the location will work on a temporary basis, but would request that the City look at another location in which to relocate the siren. MOTION 10R-14-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO LEAVE THE POLE AND CIVIL DEFENSE SIREN WHERE IT IS LOCATED. Mr. Peltzer stated that he contacted the MPCA and they

suggested that he contact the City to have it moved since it emits 135 decibels. Councilmember Eggena stated that there is a difference between the two sirens along County Road 3. The location South of town is along the highway, whereas the other siren is located 49' from a home. Councilmember Phillips did not agree since there already was a pole situated on the same site. Councilmember Eggena stated that the original pole was only 35' in height and this one is 60' – 70'. MOTION CARRIED WITH ANDOLSHEK, PHILLIPS AND SWANSON VOTING AYE AND CURTIS AND EGGENA VOTING NAY. Councilmember Phillips stated that if the property owner feels there is a better place to situate the siren, and the Civil Defense Director and Police Chief agree with the site and the property owners agree to pay a portion of the cost for relocation, he would consider the request. Councilmember Curtis stated that the City made a grave mistake in not working with the property owners and if we are looking at installing additional sirens, we need to provide neighbor communication.

- h. Fire Chief Keith Anderson reported 13 medical calls and 5 fire calls in September. Councilmember Phillips asked how the new fire truck was working and Anderson stated very well. The old fire tanker was transferred to the Public Works Department for use in flushing mains.

### 3. PARK AND RECREATION –

- a. Park and Recreation Director Jon Henke presented his Staff Report for October. The public was informed that the Community Center offers free internet use which is a very successful addition to the offerings at the Center. The Park Department is seeking volunteers for the construction of the new playground equipment in October. The installation will take place over an eight-hour day and interested persons should call the Community Center to sign up to volunteer. Included in the Council packet was a letter from Terri Weyer of Lutheran Social Services regarding the Senior Meal Program. This letter informed the Council that the Legion would like to terminate their arrangement effective December 31, 2005. If the Council is interested in allowing the Park Department to take on this program, the Minnesota Department of Health will require an NSF rated dishwasher, rinse sink and steam table at a cost of approximately \$6,000. Park Director Henke stated that he would pursue obtaining grants to assist with the program if the Council agreed. Councilmember Swanson stated that the most recent newsletter from the Legion indicates that they are pursuing adding a new kitchen at the Club. Councilmember Phillips, who is an officer at the Legion, stated that the expansion is a long range project of the Legion and may not take place for a year or two. Phillips suggested that possibly one of the churches could take the program short term instead of the City spending \$6,000. Councilmember Curtis commented that the Community Center is open to groups but if someone comes with special needs shouldn't they pay for the equipment. Henke stated that if the City purchased the equipment, it could be used for other organizations as well. MOTION 10R-15-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO

SUPPORT THE SENIOR NUTRITION PROGRAM AS A COMMUNITY PROGRAM AND TO DO BACKGROUND WORK TO PAY FOR THE EQUIPMENT WITH GRANTS AND DONATIONS. MOTION CARRIED WITH CURTIS, EGGENA AND PHILLIPS VOTING ANY AND ANDOLSHEK AND SWANSON VOTING NAY. A copy of the proceedings of the Crow Wing County Commissioner Meeting of September 13, 2005 was included in the packet. The County granted permission to allow two-way snowmobile traffic along County Road #66 in Crosslake. Henke stated that he will send a copy of the action taken by the County to the State Commissioner of Transportation and the State Commissioner of Natural Resources and local enforcement agencies for their information. A proposal to increase the cost for use of the picnic shelter was reviewed. Henke stated that currently the cost to use the shelter is \$10 and when big groups are renting the shelter, the cost of providing bags, paper products, a dumpster and etc. are exceeding the rental cost, therefore an increase to \$25 was requested. MOTION 10R-16-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO INCREASE THE FEE FOR USE OF THE PICNIC SHELTER TO \$25. MOTION CARRIED WITH ALL AYES. The Park Commission recommended that a trail use ordinance be drafted which would establish rules for the trails in the community. Jon Henke stated that he would like to work on an overall park ordinance that would include other items such as use of alcohol in the park, parking and etc. and requested Council direction. MOTION 10R-17-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO DIRECT PARK DIRECTOR JON HENKE TO WORK ON AN OVERALL PARK ORDINANCE WHICH WOULD INCLUDE USE OF TRAILS. Councilmember Curtis asked if the paved path along County Road 66 would be included with the other trails and Henke stated that it would since the City maintains the berm. MOTION CARRIED WITH ALL AYES. The annual Halloween Party will be held on Saturday, October 29<sup>th</sup> from 1:00 – 3:00 P.M. The Lions Club annual craft and bake sale will be held on October 22<sup>nd</sup> at the Community Center from 9:00 – 3:00 P.M. Free diabetes testing will be offered in conjunction with the sale.

- b. The minutes of the August 22, 2005 Park Commission Meeting were included for Council information. Councilmember Phillips asked the status of the gym floor and Henke stated that it is working great but there was a problem with the installation of the product and to correct it, a one millimeter cover will be placed over the top of the current floor. This will cause the closing of the gym for a period of four to six weeks.

#### 4. PUBLIC WORKS --

- a. Discussion of West Shore Drive Bike Path
  - 1. An email dated September 28, 2005 from Gary Phillips regarding West Shore Drive was included for Council information.

2. A petition dated September 25, 2005 included the names of 37 property owners who expressed concerns regarding the path that will not be included in the repaving and widening of West Shore Drive.
3. A letter dated October 4, 2005 from Rod and Sheila Lewis supported the reconstruction and widening of West Shore Drive including establishment of a bike path.
4. A letter dated October 4<sup>th</sup> from Hans and Sharon Engman supported construction of a bike and walking path on West Shore Drive.
5. A letter to Mayor Andolshek from Joy Lotzke supported construction of a bike path along West Shore Drive.
6. A memo from Police Chief Bob Hartman informed the Council of a conversation he had with Rod Lewis regarding the unsafe driving and walking/biking conditions along West Shore Drive.
7. A memo dated October 10, 2005 from the Planning and Zoning Commission and Community Development Director Ken Anderson included a recommendation from the Planning and Zoning commission that a trail was essential to promote public safety along West Shore Drive. Department Staff concurs with the Commission's recommendation in that the construction of an improved trail will encourage pedestrian bike traffic from using the existing road surface thus promoting public safety by separating the vehicle traffic from other modes of traffic. Staff also feels that this path will complement the other various trails within the City and fulfill the vision of the Comprehensive Plan.
8. A memo dated October 5, 2005 from Park and Recreation Director Henke recommends that the pedestrian path and construction of West Shore Drive be completed at the same time. After discussing this issue with many of the residents along West Shore Drive and reviewing the petition received, it is the Park Department's feelings that the public supports the establishment of a trail along West Shore Drive. Although the final cost estimates are not in, the estimated cost of \$670,000 is considerably less than the projected estimate of \$1,040,000. Taking into account that \$406,000 has been set aside for the project, the Park Department is hopeful that the Council revisit the issue and consider adding the bike path.
9. A West Shore Drive Preliminary Acquisition Index Map, provided by WSN, was included in the packet. This map shows that the City already has City owned right-of-way totaling 47% of the footage and 33% of prescriptive easement footage along West Shore Drive. Of the remaining 20%, the Corps of Engineers owns 1,792 feet of the property leaving approximately 300' where there is no right-of-way. Park Director Henke stated that he has spoken with approximately 48 homeowners along West Shore Drive and all have been very positive and support a bike path. Councilmember Eggena asked if these numbers include the Ideal Township portion and Henke stated that they did not. Henke stated that the Council can make the trail work without

condemning property. In areas where we don't have easements, the trail could be brought closer to the road. One item that the Council needs to be made aware of is that once the roadway is changed, there could possibly be a runoff problem. Councilmember Eggena thanked Henke for his work on this project. Eggena stated that he agrees that there is sufficient easements and right-of-way to construct the bike path and now the Council needs to get WSN involved in the planning process. Henke stated that there are two options for the Council to consider. Option A would be to finish the right-of-way plat establishing 66' of ROW along West Shore Drive. The drawback with this option is that it could take one year to complete, however the benefit is that ownership would be defined along the road for the future. Option B would be to direct WSN to develop plans for an 8 foot wide detached pedestrian path where it is possible utilizing City ROW and prescriptive easements that currently exist. Where the City cannot keep the path detached, the path could be brought to the edge of the road and be separated by curb and gutter. Staff would also suggest that the City Attorney clear up ownership of "no mans land" by contacting the title company to determine rights and ownership of these areas. Road and pedestrian path construction would take place simultaneously. Councilmember Swanson stated that he too appreciated the work Jon Henke has done on this project. Swanson read a statement prepared by him regarding his position that the road should be built to a 24' wide roadway per City ordinance for a major rural road. Eggena disagreed and stated that the City's Ordinance only addresses new roads not reconstruction of existing roads. Swanson commented that there is very little area where we don't have 66' of right-of-way which would allow for a 24' wide roadway. MOTION 10R-18-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO ACCEPT OPTION B AS RECOMMENDED. Councilmember Curtis agreed with Councilmember Eggena in that the Ordinance best applies to new construction of roads. Curtis stated that this is an existing roadway and we got input at the meeting that a new road is needed without changing the complexity of the road. Curtis stated that Henke has done his work on the project and it appears that the path can be done at the same time without taking property. Curtis stated that he would support a minimal impact project. If we need stop signs later to keep the speed under control we can talk about that later. City Engineer Dave Reese addressed the Council and City Administrator Swenson asked if a "not to exceed dollar amount" would be provided to the Council for design of this revised plan. Reese stated that there definitely was a change in project scope and many issues to address. Reese stated that we're not going to avoid all of the trees, but we'll get an improved roadway with a trail. WSN will come back to the Council with a revised scope of service agreement. MOTION CARRIED 4-1 WITH COUNCILMEMBER PHILLIPS OPPOSED.

A ten minute break was taken.

At 10:45 P.M. the meeting resumed.

5. PLANNING AND ZONING –

- a. The minutes of the August 26, 2005 Planning and Zoning Commission/Board of Adjustment Regular Meeting and Public Hearing were included for Council information.
- b. The Permit Summary dated September 2005 reflected 67 permits being issued in September for a total month valuation of \$2,107,300.
- c. A memo dated August 23, 2005 from DNR Area Hydrologist Lonnie Thomas set the OHW mark for Rock Lake at 1234.3 feet. Councilmember Eggena asked if this included the freeboard and Community Development Director Anderson felt this only established the OHW mark. Anderson stated that the Shoreland Act requires 3' above the OHW. Mayor Andolshek requested that the Staff check this out in more detail and bring back to the November meeting.
- d. Zoning Map Amendment 2005-012, Gilroy Arvig c/o Raymond Gould Trust – On September 23, 2005, the Planning and Zoning Commission reconvened a public hearing from August 26<sup>th</sup> to consider a zoning map amendment to rezone the northwest 10 acres of a 40 acre parcel to the south of the intersection of East Shore Road and East Shore Boulevard for a proposed 26 unit assisted living facility. The application is to rezone 10 acres in the NW corner of the property from R-1 to LC. The rezoning did create some concern and objection due to the residential feel of the neighborhood and the higher intensity commercial uses the LC zoning allows. In the R-1 zone, State Licensed Residential Facilities are allowed, however, they require a minimum five-acre lot size. Because the property is situated in the sewered area, the Commission was of the thought that the proposed site would be a good fit for the facility, but believed the facility could be permitted by means other than rezoning the property to limited commercial. Mayor Andolshek inquired if the LC district allowed more or less impervious coverage and Community Development Director Anderson stated that the maximum coverage allowed is 25% in the R-1 district versus 50% in the LC district. The motion approved by the Planning and Zoning Commission denied the zoning map amendment, however approved the rezoning of the existing storage building property from R-1 to LC. The Commission also recommended addressing the five-acre minimum lot size requirement for a conditional use permit for State Licensed Residential Facilities in the R-1 District to allow a smaller lot size for the proposed use in the sanitary sewer service area. Gil Arvig addressed the Council and stated that he was back before the Council to see if the Assisted Living Facility could become a reality in Crosslake. Arvig stated that the developer lives in the area and has seven or eight other like facilities that he operates. One of the problems with this area is the pervious coverage. Arvig stated that the Gould family would like to donate one acre of adjacent property for use as a walking trail

for the facility. MOTION 10R-19-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO APPROVE ZONING MAP AMENDMENT 2005-012 WITH THE STIPULATIONS THAT ALL FUTURE DEVELOPMENT ON THE SUBJECT PARCEL SHALL COMPLY WITH THE APPLICABLE LOT AND USE REQUIREMENTS AND PERFORMANCE STANDARDS FOR THE LC, LIMITED COMMERCIAL ZONING DISTRICT AND THE APPLICABLE PROVISIONS OF THE SHORELAND MANAGEMENT ACT; AND THE APPLICANT SHALL PAY TO THE CITY AN ADDITIONAL \$200 FEE FOR APPROVAL OF THE ZONING MAP AMENDMENT AS PER THE 2005 FEE SCHEDULE OUTLINED IN THE CITY CODE. Neil McEwen of 13552 East Shore Road addressed the Council and stated that he was opposed to the rezoning since this is a rural residential area. Mr. McEwen presented Clerk Roach with a petition containing 58 signatures of individuals living within 350 feet of the Gould Property indicating their opposition to any change in the zoning of this property. McEwen stated that if Mr. Arvig wants to sell the developer property, he has other property to sell him and that this is nothing except a benefit to Mr. Arvig. Mr. Arvig presented a Certificate of Survey showing each lot owned by the Gould Family. Arvig stated that he has done a lot for the City of Crosslake over the years by helping with the Crosslake Clinic and the Historical Society and he wouldn't have done these things if it were not a desire to help the community. Councilmember Swanson commented that he has been on the Economic Development Authority with Mr. Arvig for a number of years and other developers have tried unsuccessfully to obtain property and make assisted living work within the City. Swanson stated that the Council needs to provide this service to our people. Discussion ensued regarding the various tracts of property owned by the Gould Family. Kenneth Watkins, of 13148 East Shore Road, property owner since 1968, did not agree that this is the right spot for the Facility. Chuck Lane of CJ Development, LLC addressed the Council and stated that all of the other facilities owned by them are in residential neighborhoods. He stated that only 1% of the residents in these facilities drive. Lane stated that flower gardens and walkways would serve as a buffer from the surrounding properties. It would be a quiet community in that there would be no loud music at night. The feasibility study completed shows there is a demand for this service within the City. Seniors should have options and this project will create good high paying jobs for 15 to 20 year-round employees. The \$3 million dollar facility will also add to the city's tax base and be quite an asset. Mr. Martholier, a partner of Chuck Lane's addressed the Council and stated that as developers they have not explored purchasing any other property of Mr. Arvig's since a purchase agreement has been signed on the subject parcel. Councilmember Curtis stated that no one on the Council or the Planning and Zoning Commission is opposed to the project. The only concern is the LC zoning district. Councilmember Eggena stated that LC is the only option since the Shoreland Management Act wouldn't allow any other. Eggena

stated that he is in favor of the re-zoning and the more users we put on the municipal sewer the better. Mr. McEwen stated that ambulances do not make good neighbors and wheel chairs are not acceptable for this type of road. The Council was reminded that the rezoning would require a 4/5ths vote of the Council. MOTION CARRIED 4-1 WITH COUNCILMEMBER PHILLIPS OPPOSED.

- e. Staff Report dated October 10, 2005 from Jim Perry Regarding Park Dedication for Subdivision 2005-002, Clark Noteboom c/o Shaffer Family Trust – Both the Parks and Recreation Commission and the Planning and Zoning Commission recommend that the City Council accept cash in lieu of land for Subdivision 2005-002 in the amount of \$5,000. MOTION 10R-20-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO ACCEPT CASH IN LIEU OF LAND IN THE AMOUNT OF \$5,000 FOR 2005-002. CLARK NOTEBOOM C/O SHAFFER FAMILY TRUST. MOTION CARRIED WITH ALL AYES.
- f. Zoning Map Amendment 2005-015, Betty Knutson – A City Council initiated request to rezone property owned by Betty Knutson at the corner of Daggett Pine Road and Egret Road was the subject of a Public Hearing held on September 23, 2005 by the Planning and Zoning Commission. The Commission approved a motion on a 4-1 vote to recommend to the City Council approval of Zoning Map Amendment 2005-015 due to the previous agreement made with the grantor of the easement in the Terms of Conveyance. Staff recommends denial of the proposed rezone due to the fact that the rezoning would allow 20,000 square foot lots, which does not meet the 80,000 square foot lot size required by the Shoreland Management Act due to the property being located within 1,000 feet of McClain Lake, a Natural Environment lake, and does not meet the 40,000 square foot lot size within 1,000 feet of Cross Lake, a General Development lake. A letter dated October 10, 2005 from DNR Area Hydrologist Lonnie Thomas stated that the Department generally does not comment on local decisions concerning land uses within the shoreland zone as long as minimum ordinance standards are followed, that current ordinance requires a minimum of 20,000 square foot lots for riparian areas and 40,000 square foot lots for the remainder of General Development shoreland areas, that Minnesota courts have upheld shoreland ordinance requirements that contiguous lots under common ownership must be combined with adjacent lots to meet minimum ordinance requirements and that Minnesota courts have also ruled that variance denials for substandard lots that may have been split from single ownership is not a taking. Ken Anderson commented that the re-zoning from LC to R-4 would allow the property to be subdivided into lots of 20,000 – 24,000 square feet and within the shoreland area the minimum lot size required is 40,000 square feet. Mayor Andolshek asked if the Council could approve the rezoning and notify the DNR that the approval is based on a previous Council's commitment to the Knutson's. Councilmember Swanson stated that this Council sent a letter to the DNR informing them that the Council would follow the Shoreland Management Act and that is what this Council

should do. Mayor Andolshek stated that he would agree if this was a new request, but he does not feel that this is a new request since it was an agreement the previous Council made with the Knutson's. Councilmember Curtis stated that this was all hashed out at a previous meeting and asked if there was anything new to discuss. Community Development Director Anderson stated that only the DNR letter was new information and Councilmember Eggena questioned whether it had been initiated by the DNR or requested by Staff. Councilmember Eggena stated that there is another section in the Shoreland Act where a City can make smaller lots in their downtown area and this could be perceived as part of the downtown area. MOTION 10R-21-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE ZONING MAP AMENDMENT NO. 2005-015 FOR BETTY KNUTSON AS REQUESTED BY THE CITY COUNCIL THAT WAS APPROVED BY THE PLANNING AND ZONING COMMISSION ON A 4-1 VOTE. MOTION CARRIED 4-1 WITH DEAN SWANSON OPPOSED. Mayor Andolshek stated that he would still like to send a letter to the DNR stating that the Council is honoring a prior commitment.

- g. Zoning Map Amendment 2005-016 – Loveland's Resort – The Planning and Zoning Commission approved a metes and bounds subdivision (2005-013) at a meeting held on August 26, 2005. The Commission, along with the applicant, then agreed that the property should be rezoned from Waterfront Commercial to Medium Density Residential. Since a conditional use permit is required for single-family homes in the Waterfront Commercial district, the newly created parcels could result in high-intensity commercial uses and the neighboring property owners expressed some concerns. The re-zoning would be more in keeping with the neighborhood. Since the proposed zoning map amendment is a rezone from a commercial zone to a residential zone, only a simple majority is required. MOTION 10R-22-05 WAS MADE BY TERRY CURTIS AND SECONDED BY DEAN EGGENA TO APPROVE ZONING MAP AMENDMENT 2005-016 FOR LOVELAND'S RESORT AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION. MOTION CARRIED WITH ALL AYES.
- h. Zoning Map Amendment 2005-017 – Mike Stone – At the August, 26, 2005 Planning and Zoning Commission Meeting, a metes and bounds subdivision was approved for Bruce and Kathleen Berglin to split an existing 10 acre parcel into a 2.8 acre parcel and a 7.2 acre parcel which was then purchased by Mike Stone. As a condition of approval, the Planning and Zoning Commission required that the 7.2 acre parcel be consolidated with the parcel to the north, along the 66 foot parcel fronting on County Road 3 since the proposed 7.2 acre parcel did not have 33 feet of access to a public right-of-way, as required by Ordinance. On September 23, 2005 the Commission held a public hearing to discuss rezoning the 66-foot access parcel from RR to R-1 to match the R-1 zoning of the parcels that it is being consolidated with. A motion was approved to recommend to the City Council that Zoning Map Amendment 2005-017 for Mike Stone be approved. MOTION

10R-23-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE ORDINANCE AMENDMENT 2005-017 FOR MIKE STONE AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION. MOTION CARRIED WITH ALL AYES.

- i. Crosswoods Development CIC #1034, Crosswoods First Supplemental and approval of SIP for the Planned Development District – The Planning and Zoning Commission held a public hearing on September 25<sup>th</sup> to review a request by Crosswoods Development to approve a Supplement to the original CIC #1034, Crosswoods Plat and review the SIP for the Planned Development District. The proposed supplement would split the south half of Outlot A into two parcels for a proposed hotel/restaurant development. Since the Commission did not have time to review the SIP prior to the meeting of September 25<sup>th</sup>, a special meeting was scheduled for October 5, 2005. At the September 25<sup>th</sup> meeting, the Commission approved a motion to recommend to the City Council that Subdivision S2005-015 be approved subject to payment of all City Engineer, City Attorney and City Surveyor fees, payment of cash in the amount of \$1250 in lieu of land for park dedication fees within 90 days of approval and signing of deeds for the proposed parcels; that the SIP be approved upon review by the Commission and that all development on the proposed parcels shall comply with regulations set forth in the approved SIP for the Planned Development District; that a 10 foot easement for drainage, utility and public use trail purposes be provided to the City along Swann Drive and that all zoning permits be obtained for all proposed developments. At the special meeting held on October 5<sup>th</sup>, the Commission reviewed the SIP for parking, stormwater, trails/sidewalks, lighting and wastewater. There was considerable discussion at the Commission level regarding maintenance of the sewer line and whether the City should take it over or whether it should remain private. The Commission recommended that the changes discussed be prepared by the City Attorney for submission to the City Council at their October 10<sup>th</sup> meeting. There was discussion by the Council regarding sidewalks and crosswalks and the Council recommended that the SIP include these items. It was noted that the final plat has been reviewed by Surveyor Don Coulter. MOTION 10R-24-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO APPROVE COMMON INTEREST COMMUNITY #1034, CROSSWOODS FIRST SUPPLEMENTAL AND APPROVE THE SPECIFIC IMPLEMENTATION PLAN FOR THE PLANNED DEVELOPMENT DISTRICT WITH THE STIPULATIONS POINTED OUT PERTAINING TO CROSSWALKS AND SIDEWALKS. Councilmember Phillips asked about snow removal and page 6 of the Developer's Agreement states that the Developer shall be responsible for all snow removal on the property in accordance with the Crosswoods neighborhood code. The same was true of sidewalk maintenance which is addressed on page 5. MOTION CARRIED WITH ALL AYES. Community Development Director Anderson stated that discussion has taken place previously in regards to trails and asked the

Council if they were interested in a trail system on the north side of the road. It was the consensus of the Council that the Park and Recreation Department review the option. MOTION 10R-25-05 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY DEAN EGGENA TO DIRECT THE PARKS AND RECREATION DEPARTMENT TO WORK WITH THE PLANNING AND ZONING DEPARTMENT TO REVIEW A TRAIL SYSTEM FOR THE DOWNTOWN AREA. MOTION CARRIED WITH COUNCILMEMBER PHILLIPS OPPOSED.

- j. Final Plat Approval S2005-016, Eagle Pass – The Planning and Zoning Commission reviewed Rick Carlson’s request for final plat approval for Eagle Pass at a meeting held on September 23, 2005. A motion was requested to approve the final plat subject to the following conditions: (1.) all fees are paid to the City prior to signing of the Final Plat consisting of Park Dedication Fees in the amount of \$15,543, City Engineer and Surveyor fees, City Attorney fees; (2.) City Attorney approves the Title Opinion or Title Commitment for the plat and that the approved and signed Development Agreement and Utility Extension Agreement are on file along with a bond or other financial assurance satisfactory to the City Council; (3.) the proposed public road is constructed to City standards and approved by the Public Works Director and City Council with recommendations from the City Engineer; (4.) inspection of the new streets 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 proposed final 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 if requested by the company; (9.) the developer is responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) General Storm Water Permit from the MPCA prior to any construction activity; (10.) property designated as Outlots A, B and C may not be developed, subdivided or improved without specific and advance authorization of the City of Crosslake; (11.) the final plat shall dedicate all roads for public use; (12.) the proposed Final Plat shall be revised to reflect easements adjoining public right-of-way lines for “Drainage, Utility and Public Use Trails versus the proposed drainage, utility and trail easements; (13.) the proposed final plat shall be revised to correct the spelling of Talon Trail and 21<sup>st</sup> Century Bank in the last two paragraphs on sheet one of the two sheets; (14.) all review comments of the City Attorney, City Surveyor and City Engineer shall be included in the recommended conditions of approval; and (15.) temporary easements shall be included in the record until roads are extended outside of the plat. Ken

Anderson noted that County Surveyor Don Sigety recommended that the name of the proposed "Aerie Way" be changed due to difficulties in spelling and pronunciation of the name and the developer has renamed the road to Bald Eagle Trail. MOTION 10R-26-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE FINAL PLAT 2005-016 FOR EAGLE PASS SUBJECT TO ALL CONDITIONS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION AND WITH THE NAME CHANGE FROM AERIE WAY TO BALD EAGLE TRAIL. MOTION CARRIED WITH ALL AYES.

- k. Ordinance Amendment 2005-013 relating to Swimming Pool Enclosure Requirements – Due to concerns raised by the City Council at the September 12<sup>th</sup> meeting, the Council directed that the Planning and Zoning Commission engage in further review of the proposed ordinance amendment pertaining to swimming pools. This review took place at the September 23, 2005 meeting of the Planning and Zoning Commission and a revised draft was recommended for City Council approval. Some of the changes made as a result of the review included a change to the setback of ten feet from the nearest fence, wall or structure for any in-ground or above-ground pool with a depth of 24 inches or more and an exemption for hot tubs, Jacuzzis or other similar man-made water devices from these performance standards along with public waters, wetlands, ponds and water retention/detention areas. MOTION 10R-27-05 WAS MADE BY DEAN SWANSON AND SECONDED BY TERRY CURTIS TO APPROVE ORDINANCE AMENDMENT NO. 213 REGARDING FENCES AROUND SWIMMING POOLS. Councilmember Phillips stated that he questioned why there was no mention of a distance of a fence from the pool and asked what the purpose was for a fence around a pool that's already 3-4 feet in height. MOTION CARRIED 3-2 WITH COUNCILMEMBERS EGGENA AND PHILLIPS OPPOSED. A motion was requested to publish a summary of the Ordinance Amendment. MOTION 10R-28-05 WAS MADE BY DEAN SWANSON AND SECONDED BY JAY ANDOLSHEK TO AUTHORIZE PUBLISHING A SUMMARY OF ORDINANCE AMENDMENT NO. 213 REGARDING FENCES AROUND SWIMMING POOLS. MOTION CARRIED WITH ALL AYES.
- l. Recommendation for Acceptance of Duckwood Trail – The City received a request from Bryan Drown of Landecker & Associates to have the City accept the road and right-of-way for Duckwood Trail. City Engineer Dave Reese inspected the site on October 5<sup>th</sup> and recommends denial of the request due to the developer's need to complete additional work. MOTION 10R-29-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO DENY ACCEPTANCE OF DUCKWOOD TRAIL PER THE CITY ENGINEER. MOTION CARRIED WITH ALL AYES.
- m. Recommendation for Acceptance of Andersen Drive and drawdown of funds for Andersen Estates Plat – The City has received a request from Dave and Kathleen Andersen to have the City accept the road and right-of-way for Andersen Drive in the plat of Andersen Estates. The bituminous gutters and

other stormwater improvements have been constructed by Anderson Brothers along both sides of Andersen Drive. A request for the release of \$6,665 was requested for this work. City Engineer Dave Reese submitted a letter dated October 6, 2005 and recommended that the City not accept the roadway until various erosion matters are resolved. Reese did recommend that the City could reduce the security held by the City to the minimum 10% of construction cost per policy which would be \$6,045. MOTION 10R-30-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO APPROVE THE DRAWDOWN OF \$6,665 TO BE PAID TO THE DEVELOPER FOR REIMBURSEMENT OF ELIGIBLE EXPENSES; APPROVE THE DRAWDOWN OF FUNDS FOR PAYMENT OF OUTSTANDING CITY CONSULTANT FEES; AND TO APPROVE THE PAYMENT OF ANY REMAINING BALANCE LESS THE REQUIRED 10% FINANCIAL SECURITY OF \$6,045.00 AND TO ACCEPT THE ROAD AT SUCH TIME THAT THE CITY ENGINEER IS SATISFIED THAT THE EROSION PROBLEMS HAVE BEEN CORRECTED. City Engineer Dave Reese stated that he met with Mr. Andersen earlier in the evening and in lieu of rip rap, a geo-grid fabric may be used to prevent the erosion problem. MOTION CARRIED WITH COUNCILMEMBER CURTIS ABSTAINING FROM THE VOTE.

#### 6. CROSSLAKE COMMUNICATIONS –

- a. The minutes of the September 27, 2005 Advisory Board Regular Meeting Minutes were included for Council information. This was the first meeting since the Board was reinstated.
- b. The Digital TV Report was included for Council information.
- c. Leaser reported that the RUS loan is out of the finance department and in the legal department where it will take approximately 30 to 60 days to complete the processing. Once the agreements are received from RUS, they will be forwarded to the City Attorney for review and on to the Council for final approval. Regarding cable TV, many of the previously “no charge” channels will be charging to carry their service starting in 2006. Dennis Leaser has been in contact with a statewide group of cable TV companies looking for solutions. Crosslake Communications may consider offering a tier for these local programs, similar to what satellite companies do. Gopher State has implemented an 811 number to call in locates. The informational seminars are continuing since they have been very well attended. Union Contract Negotiations with the IBEW will begin in October and Staff is in the process of preparing the 2006 budget.
- d. Crosslake Communication’s Bills for Approval – MOTION 10R-31-05 WAS MADE BY DEAN EGGENA AND SECONDED BY JAY ANDOLSHEK TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF

\$304,996.05 AND \$1,096,213.07. MOTION CARRIED WITH ALL AYES.

7. PERSONNEL – Nothing

8. RECYCLING - A total of 17.625 tons of recyclables were collected in September bringing the year-to-date tonnage to 166.6435 tons.

9. ECONOMIC DEVELOPMENT AUTHORITY – Nothing

**H. OLD BUSINESS** – None

**I. NEW BUSINESS** – None

**J. PUBLIC FORUM** – None

**K. ADJOURN** – MOTION 10R-32-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO ADJOURN THIS REGULAR MEETING AT 12:38 A.M. MOTION CARRIED WITH ALL AYES.

Recorded and respectfully submitted by,



Darlene J. Roach  
Clerk/Treasurer

Shared/REG COUNCIL MTG – October 10, 2005.doc

**BILLS FOR APPROVAL**  
**10-Oct-05**

VENDORS	DEPT	AMOUNT
Abra True Value, adapter	P&R	4.23
Abra True Value, light bulbs	Sewer	26.06
Abra True Value, sod	Sewer	75.88
Abra True Value, slide belts	PW	44.29
Abra True Value, slide belt	PW	7.07
Abra True Value, tape, coupler, nipples, valve	PW	49.05
Ace Hardware, paintbrush, screwdriver	Gov't	13.95
Ace Hardware, outlet plugin	Sewer	15.99
Ace Hardware, trash bags	Fire	12.77
Ace Hardware, connector pole, connector kit	Fire	6.90
Ace Hardware, trans fluid, general hardware	P&R	6.08
Ace Hardware, gate latch, thumb latch, screws	PW	27.96
Ace Hardware, concrete cleaner	PW	13.58
Ace Hardware, cover, toilet float	P&R	10.07
Ace Hardware, hex bushings	PW	0.79
Ace Hardware, oil	PW	15.98
Ace Hardware, shovels	P&Z	55.98
Ameripride, mats	PW	105.62
Anderson Brothers, class 5, 3-8" rock	PW	522.48
Avenet, internet support and maintenance	Gov't	360.00
AW Research, water testing	Sewer	199.80
B&B Products, install computers	Police	1,574.89
Brownells, collapsible buttstock	Police	138.50
California Contractors, super wipes	PW	600.00
Chief Supply, shipping	Police	8.49
City of Crosslake, sewer utilities	PW/Gov't	270.00
Council #65, union dues	ALL	288.00
County Recorder, filing fees for rassat	P&Z	19.50
County Recorder, filing fees for andys, engen	P&Z	39.00
Crosslake Communications, phone, fax, internet, cable	ALL	1,314.37
Crosslake Garage & Classics, battery	Fire	115.72
Crosslake Holiday Station, wiper blades	Police	14.89
Davies Water Equipment, meters, swivels	Sewer	1,261.88
Deferred Comp	ALL	226.92
Delta Dental, dental insurance	ALL	1,358.80
Echo Publishing, meeting notice of 9-23	P&Z	83.85
Echo Publishing, resolution 05-23	PW	32.25
Echo Publishing, ordinance 211	Sewer	22.58
First Supply, o ring union	PW	9.59
Fortis, disability	ALL	262.00
Granite City Ready Mix, recycled concrete	PW	255.60
Holden Electric, wiring for camera equipment	Gov't	1,047.07
Holden Electric, install civil defense sirens	Gov't	15,500.00
Honey Wagon, pump, haul and land apply	Sewer	3,240.00
Lakes Area Rental, blade wear	PW	36.00

Lakes Area Rental, concrete saw	PW	44.73
Law Enforcement Targets, targets	Police	34.54
Mastercard, Moonlite Bay, meeting with lakewood bank	Admin	25.00
Mastercard, Fleet Farm, wash case, tune up fluid, peak	PW	107.48
Mastercard, Fleet Farm, gate hinge, lag screw, wrench, salt	P&R	384.59
Mastercard, Holiday Station, plat books	P&Z	60.00
Mastercard, Office Max, cdrw drive, flash drive	Police	175.70
Mastercard, Office Max, cloth cleaners	Police	12.76
Mastercard, Office Max, key board	Admin	84.12
MCS Janitorial Services, september cleaning	Gov't	745.50
Medica, health insurance	ALL	15,231.79
Menards, tools, wrench, screwdriver, valve	PW	180.33
M-J's Sportshop, soccer uniforms	P&R	180.00
MN Benefits	Admin	100.92
MN Life, life insurance	ALL	420.90
MR Sign, addresses number signs	PW	150.06
MR Sign, addresses number signs and street name sign	PW	94.00
NCPERS-Life Insurance	ALL	144.00
North Ambulance, subsidy	Ambulance	1,103.00
Northeast Technical Services, water testing	Sewer	116.30
PERA	ALL	N/A
Quill, pens, highlighters, calendars	P&Z/Admin	151.53
Quill, timecards	Admin	13.83
Quill, batteries	Gov't	11.49
Quill, minute paper	Admin	95.23
Simonson Lumber, osb board	P&R	18.63
Simonson Lumber, 20 gallon air compressor	Fire	255.59
State and Federal Taxes	ALL	N/A
State Chemical Manufacturing, cleaners	PW	327.68
Team Laboratory, fine road patch	PW	685.33
Tom Swenson, vehicle allowance	Admin	400.00
Unicel, cell phone charges	Police	300.00
UPS, postage	Police	21.73
US Bank, administrative fees	Gov't	158.13
Viking Coca Cola, pop	PW	111.03
Xcel Energy, gas utilities	ALL	210.44
<b>TOTAL</b>		51,450.79

**ADDITIONAL BILLS FOR APPROVAL**  
**10-Oct-05**

VENDOR	DEPT	AMOUNT
Abra True Value, paint brush, v-notch spreader	PW	4.20
Ace Hardware, thermostat	Fire	39.99
Ace Hardware, couple, nipple, electrical	PW	16.86
Ace Hardware, clamp, general hardware	PW	7.45
Ace Hardware, chainsaw chain	PW	44.98
AW Research, water testing	Sewer	118.80
Brothers Motor Sports, saw chain, oil	PW	51.44
Cascade Computers, add computer to domain	Gov't	52.50
Crosslake Rolloff Services, recycling	Gov't	2,450.00
Culligan, water and cooler rental	PW/Gov't	64.12
Diversified Medical, batteries	Police	170.98
Fire Instruction and Rescue, rapid intervention class	Fire	1,000.00
Fire Instruction and Rescue, lp gas emergencies	Fire	250.00
Fire Instructors Assn of MN, workbook and text book	Fire	200.11
Hawkins Water Treatment, aqua hawk	Sewer	267.25
Holiday Station, fuel, food, oil	Fire	181.57
Initiative Foundation, methamphetamine class	Council	50.00
Krause Lock and Key, rekey cylinders and keys made	Sewer	161.76
Martin Communications, inspect and repair radio	Fire	48.34
Martin Communications, inspect and repair hand held	Fire	59.79
Mastercard, Copper Lantern, meal while traveling	PW	20.88
Mastercard, Mills Motors, auto part	PW	7.79
Moonlite Square, misc grocery for gas line cut	Fire	14.98
MR Sign, stop, all way, one way, do not enter, speed	PW	638.98
North American Salt Co, salt	PW	3,136.71
Northeast Technical Services, water testing	Sewer	108.80
Quill, envelopes	Admin/P&Z	6.81
Robert Hartman, reimburse travel expenses	Police	18.38
Sandelin Law Office, legal fees	ALL	4,843.09
Widseth Smith Nolting, engineering fees	ALL	12,380.76
<b>TOTAL</b>		<b>26,417.32</b>