

COUNCIL PROCEEDINGS
CROSSLAKE, MINNESOTA
PUBLIC HEARING - REVENUE SHARING FUNDS
REGULAR SESSION

October 14, 1986 - 7:30 p.m.

The City Council of Crosslake, Minnesota met in a public hearing on Revenue Sharing Funds and a regular Council session on Tuesday, October 14, 1986 in the Council Chambers of City Hall. The following members were present: Mayor August Mezzenga, and Councilmen Robert Allen, Oliver Courts, Orval Nelson, and Oliver Yates. There were approximately 18 to 25 members of the community present. Also present for portions of the meeting were City Attorney Tom Fitzpatrick; Bruce Buxton from Widseth Smith Nolting and Associates; and Bill Meyer from Gentsch Design, Inc.

Mayor Mezzenga called this Public Hearing to order at 7:30 p.m.

II. PROPOSED USES FOR REVENUE SHARING FUNDS

MOTION NO. 10PH-01-86 WAS MADE BY COUNCILMAN NELSON AND SECONDED BY COUNCILMAN ALLEN TO ACCEPT RESOLUTION TO DEDICATE ALL REVENUE SHARING FUNDS WHICH CONSIST OF \$59,053.78 PLUS THE ENTITLEMENT PERIOD 17 FUNDS WHICH CONSIST OF \$18,274.00 TO REMODEL OR BUILD A NEW CITY HALL. Hearing no further proposed uses for the revenue sharing monies Mayor Mezzenga called for a vote on the motion. MOTION PASSED UNANIMOUSLY.

III. ADJOURNMENT

MOTION NO. 10PH-02-86 WAS MADE BY COUNCILMAN NELSON AND SECONDED BY COUNCILMAN ALLEN TO ADJOURN THIS PUBLIC HEARING AT 7:35 P.M. MOTION PASSED UNANIMOUSLY.

Mayor Mezzenga then called this regular council session to order at 7:35 p.m.

II. CONSENT CALENDAR - Minutes of the September 8, 1986 regular Council session; minutes of the September 30, 1986 special Council session; the Clerk/Treasurer's financial report for September; the Telephone Company's financial report for September; and the Cable Television's financial report for September.

MOTION NO. 10-01-86 WAS MADE BY COUNCILMAN COURTS AND SECONDED BY COUNCILMAN NELSON TO APPROVE ALL ITEMS LISTED ON THE CONSENT CALENDAR, MOTION PASSED UNANIMOUSLY.

III. NEW BUSINESS

Don Coulter, Suvaylor, presented the plat of Blue Acres Green for preliminary approval. Mr. Coulter said each cabin is individually owned but there is trouble transferring titles without the plat being accepted and filed. All lots are in excess of 18,000 square feet and No. 14 is owned by the Corporation. Councilman Nelson asked about a driveway encroaching on a corner of the plat and if something had been worked out to grant an easement for the adjacent property owner. Mr. Coulter said he is confident that something will be worked out but that it has nothing to do with the plat approval. That there has been an offer and a counteroffer and whether the property is platted or unplatted has nothing to do with the individual's rights. Coulter said this plat has been in the works for two years and was

approved by the Planning Commission and the Council but because of the length of time and a couple changes that were made he felt they should ask for approval of the preliminary plat again. Coordinator Kingstedt said he had no problems with the plat, that septic systems were in conformance or in the process of conforming. MOTION NO. 10-02-86 WAS MADE BY COUNCILMAN COURTS AND SECONDED BY COUNCILMAN YATES TO APPROVE THE PRELIMINARY PLAT OF BLUE ACRES GREEN. MOTION PASSED UNANIMOUSLY.

III. B. Bond Release for Sandcrest on Cross Lake roads

Clerk Arlene Buchite read a letter she had just been handed by City Suvveyor Don Coulter stating that the road work was completed and recommending the release of the remaining balance of the cash bond posted by Taylor Investment for the roadwork in the Sandcrest Addition to Cross Lake. Coulter indicated the roads were in and grass was growing in the ditches already. He stated that the builders had done a beautiful job. MOTION NO. 10-03-86 WAS MADE BY COUNCILMAN NELSON AND SECONDED BY COUNCILMAN COURTS TO RELEASE THE BALANCE OF \$44,000 OF THE CASH BOND TO TAYLOR INVESTMENT FOR COMPLETION OF THE ROADS IN THE SANDCREST ADDITION TO CROSS LAKE. MOTION PASSED UNANIMOUSLY.

III. C. ORDINANCE NO. 9, THIRD SERIES

Clerk Buchite read aloud the Ordinance No. 9, Third Series which deals with increasing the mayor's salary to \$125 per month and the councilmen's salaries to \$100 per month. MOTION NO. 10-04-86 WAS MADE BY COUNCILMAN ALLEN AND SECONDED BY COUNCILMAN COURTS TO ADOPT ORDINANCE NO. 9, THIRD SERIES THEREBY RAISING THE MAYOR'S SALARY TO \$125 PER MONTH AND THE COUNCILMEN'S SALARIES TO \$100 PER MONTH. MOTION PASSED UNANIMOUSLY.

IV. CLERK'S REPORT

A. Bills for payment

MOTION NO. 10-05-86 WAS MADE BY COUNCILMAN NELSON AND SECONDED BY COUNCILMAN COURTS TO PAY INVOICES TO: ROBERT ENGEN, COURT REPORTER FOR \$2,084; LeFEVERE LEFLER, KENNEDY, O'BRIAN AND DRAWZ, BOND COUNSEL FOR \$1,000.11; DOUGLAS ANDERSON, HEARING OFFICER FOR \$1,257.26; WIDSETH SMITH NOLTING AND ASSOCIATES, ROAD ENGINEERS FOR \$2,633.16; AND TOM FITZPATRICK, CITY ATTORNEY FOR \$66.06. MOTION PASSED UNANIMOUSLY.

IV. B. Transfer of Liquor License at Ye Olde Wharf

MOTION NO. 10-06-86 WAS MADE BY COUNCILMAN COURTS AND SECONDED BY COUNCILMAN YATES TO TRANSFER THE ON-SALE LIQUOR LICENSE AT YE OLDE WHARF FROM ROBERT BERGLUND TO DEAN DENNIS CHEEVER AND ASSOCIATES, INC. MOTION PASSED UNANIMOUSLY.

Clerk Buchite indicated she had been asked by Councilman Courts to request a road name sign for Harbor Lane Road. MOTION NO. 10-07-86 WAS MADE BY COUNCILMAN NELSON AND SECONDED BY COUNCILMAN COURTS TO APPROVE PURCHASE OF ROAD SIGN FOR HARBOR LANE ROAD. MOTION PASSED UNANIMOUSLY.

An invoice from the Minnesota Association of Small Cities was discussed. It was the consensus of the Council that we do not belong and should not belong so therefore would not pay the dues on the invoice.

V. MAYOR'S REPORT

Mayor Mezzenga announced that there will be a "Meet the candidates" night on Tuesday, October 21st at 7:00 p.m. at the Community Center. There will be candidates running for city, county and state offices present.

Mayor Mezzenga indicated that after the budget figures were all added up there was \$43,036.00 remaining. As discussed at the budget hearings this amount was to be placed into the City Hall building fund. MOTION NO.10-08-86 WAS MADE BY COUNCILMAN ALLEN AND SECONDED BY COUNCILMAN NELSON TO PLACE \$43,036.00 INTO THE CITY HALL REMODELING OR BUILDING ACCOUNT. MOTION PASSED UNANIMOUSLY.

MOTION NO. 10-09-86 WAS MADE BY COUNCILMAN ALLEN AND SECONDED BY COUNCILMAN NELSON TO APPROVE THE BUDGET AS PRESENTED FOR \$417,928.00. MOTION PASSED UNANIMOUSLY.

VI. COMMISSION REPORTS

A. Building

Councilman Nelson reiterated the fact that the City of Crosslake has had at least two citizen's advisory committees who had come up with the conclusion that a new City Hall should be built rather than using a band-aid approach for the present City Hall. He also stated that we promised to have something going by October of 1986 and that is the reason we received Revenue Sharing Funds for 1986. City Hall is in violation of the handicapped accessibility law. A review of monies available for remodeling or building City Hall are: \$70,666.06 from Revenue Sharing funds, \$40,000 from the 1986 City budget, and \$7,875.70 from dedicated funds for a total of \$118,541.70. Plus \$43,036 from the 1987 budget the total available funds available in January 1987 for building would be in excess of \$161,577.70.

Bill Meyer from Gentsch Design, Inc. was present to review plans for a new City Hall. As Mr. Meyer spoke he said they had tried to square up the building so as to save money on building but that they always came back to the plan they started with because of the long hallways and corridors created by a square building. Fire Chief Garin asked about bathroom facilities and whether a storm shelter was being considered for the basement. Mr. Meyer indicated that provisions were to be made for bathroom facilities and/or showers for the fire department if they are to be added at a later date. Storm shelters were also a possibility. Mr. Meyer said he felt the cost would be in the range of \$45 to \$55 per square foot and depending upon the well and other site costs, the price could range anywhere from \$195,400 to a high side of \$244,600. A discussion ensued regarding the possibility of a local contractor doing the building. Tom Fitzpatrick, City Attorney, said that would be fine but that the Council should not try to build without proper bonding by the contractor. Mr. Courts said he was not against building a new City Hall but that he is against the City going into debt to build. Roger Bercham, a resident, said he did not feel that the City needed a \$200,000 building when the Council only meets one a month. Councilman Nelson said he has never had anyone tell him personally that they oppose building a new City Hall. Mayor Mezzenga said he felt that we could keep patching and patching and

still end up with an old building. He said the first citizens's committee was about two or three years ago and that they basically came up with the same conclusion as the Ad-Hoc committee which was appointed this year. He said he felt the general public should be aware of the concept of the new building by this time and he had not heard many complaints regarding a new building either. MOTION NO. 10-10-86 WAS MADE BY COUNCILMAN NELSON AND SECONDED BY COUNCILMAN ALLEN TO PROCEED WITH PLANS TO ERECT A NEW CITY HALL WITH THE TENTATIVE DATE TO COMMENCE CONSTRUCTION AS SPRING OF 1987. A question was asked from the floor that if all bids came in too high, could the Council reject them? Mayor Mezzenga said they could and should be rejected if they are all too high. When Mr. Meyer was asked how much would be expended if they went through to the bidding stages he responded that approximately \$12,000 would have been spent at that point. When Mayor Mezzenga called for a vote the MOTION PASSED WITH COUNCILMAN COURTS VOTING NAY.

MOTION NO. 10-11-86 WAS MADE BY COUNCILMAN NELSON TO PLACE THE \$40,000.00 REMAINING IN THE 1986 BUDGET FOR CITY HALL REMODELING INTO DEDICATED FUNDS. MOTION PASSED UNANIMOUSLY.

*word changed to Project
(see motion # 11-01-86)*

VI. B. Cemetery

Nothing

VI. C. Park

Park Director Felber said the Park Commission had recommended that an 18 horsepower garden tractor be purchased jointly with the cemetery, park and street departments. The present John Deere tractor was purchased in 1980 and is requiring a lot of repairs and has a lot of downtime waiting for those repairs. The quotes given to the City Council for consideration were for a Bolens GT1800, a John Deere, and a Wheel Horse 418. Optional equipment included a mower deck, snow thrower, lawn vacuum wheel weights and chains and cab. The Bolens complete was \$6,375.00, the John Deere complete was \$6,815.00 and the Wheel Horse was \$6,212.00. MOTION NO. 10-12-86 WAS MADE BY COUNCILMAN COURTS AND SECONDED BY COUNCILMAN NELSON TO PURCHASE THE WHEEL HORSE MODEL 418 WITH MOWER DECK, SNOW THROWER, LAWN VACUUM, WHEEL WEIGHTS AND CAB FOR \$6,212.00 WITH FUNDING TO BE \$1,800 FROM THE PARK BUDGET, \$500 FROM THE CEMETERY BUDGET AND THE BALANCE TO COME OUT OF THE STREET DEPARTMENT'S CAPITOL OUTLAY ACCOUNT. MOTION PASSED UNANIMOUSLY. The Council was informed that there is a one-year parts and service warranty on the equipment.

VI. D. Personnel

Councilman Nelson said the employees personnel policy would be discussed at the next Council meeting because of the long agenda. Mayor Mezzenga suggested the Council read the policies and come back with recommendations.

VI. E. Planning and Zoning

Nothing

VI. F. Public Safety

Roger Bercham, member of the Public Safety Commission, said a dog ordinance was discussed at the public safety meeting. Mayor Mezzenga asked if we

have a dog problem in Crosslake. It was the consensus of the Council that there really is not a dog problem but only that one or two people are having a dog problem. Chief Backdahl is to inform the Council if a problem arises that will need action.

VI. G. Roads

Tom Fitzpatrick, City Attorney, said the Findings of Facts concerning the proposed special assessments have a couple of housekeeping changes which should be made. One is on page 4, paragraph 15 which says Nancy Ahlschlager appeared personally and through her lawyer when in fact, Ms. Ahlschlager did not appear in person. The second change is on page 5, paragraph 17 which says that Emil Beavers and his wife appeared when in fact, only Agnes Beavers appeared.

Mr. Fitzpatrick said that rather than have the City Council determine who should and who should not pay their special assessments for the persons who filed a grievance, a hearing officer was hired, namely Douglas Anderson, who is an outsider residing in Little Falls. Each side, the City and the objecting property owner, had an opportunity to advance the best arguments they could, present evidence and testimony, and cross examine. Rather than go through the entire 17 pages of findings, Mr. Fitzpatrick said he would address the recommended changes from Mr. Anderson.

The first change was for Lonna Andolshek. She had property on both sides of South Landing Road. If the City of Crosslake will not grant a variance for Ms. Andolshek to build on the parcel of land on which her boat house is now located, she should not be assessed for that 160 feet of road frontage. If at any time in the future a variance is granted, the City can then determine what assessment she should pay.

The property of Russell Engstrom, paragraph 19, and Lloyd Johnson, paragraph 23 also fall into the same category as Ms. Andolshek's. As long as the City will not grant a variance for them to build on Dew Drop Lake, they should not be assessed for that property.

Another property owner that was affected was Leonard Olson. His property was subdivided in 1980 and has been for sale since that time. His asking price is \$4,000 per four acre lot. Because of their location some distance from any major areas of development, the land owned by Olson will not be increased in market value in an amount at least equal to the proposed special assessment.

Another property owner that was affected was Frank Peterson. Because the City required Mr. Peterson to put in his own private driveway called Waterwood Court as part of the platting requirements as a condition of approving the plat since the City did not want any of the lots in Waterwood to have access directly onto Tarrymor Road. None of Mr. Peterson's property will be benefitted at all by the assessments and Mr. Anderson recommended the proposed assessments against Peterson's property be eliminated entirely.

Mr. Fitzpatrick then addressed the Wannebo property. Mr. Wannebo had three parcels. The first was on O'Brian Road. The City had already

given Mr. Wannebo 500 feet credit for the swamp on his property and the hearing examiner suggested another 137 feet credit for a gravel pit there. His total feet payable on that parcel would be 578 feet.

The next property that Mr. Fitzpatrick addressed was that of James Winiiecki. The City had given Winiiecki credit for 200 feet which is used by the Corps of Engineers. Mr. Anderson suggested eliminating the northerly 440 feet which is just east of the mobile home park also.

Mr. Fitzpatrick said that Mr. Anderson's suggestions for the Ray Eagle property was to assess them 25 percent because of their irregular lot.

Mr. Fitzpatrick then reviewed the legal process for any of those property owners who desired to appeal. Only those who filed objection prior to the assessment hearing can go to district court. They must file objection within 30 days after the adoption of the assessments. They do that by serving notice to the City Clerk and filing that appeal with the Clerk of District Court within 10 days of serving notice to the City Clerk. If they do that the City Clerk would then provide the documents we have to the Court and the exhibits that would be relevent. The court would then schedule it for trial on the next court calendar.

Mr. Fitzpatrick said that a certified copy of the assessment would be delivered to the County Assessors office. The property owners who are being assessed will have 30 days in which to pay their assessments without incurring any interest. After that time the assessment will be added to their next years property tax statement.

Bruce Buxton, from Widseth Smith Nolting and Associates said that if the recommendations from Mr. Anderson are accepted it will raise the cost per frontage foot from \$2.38 to \$2.54 per foot. Mr. Kingstedt, Planning and Zoning Coordinator said he would set up a file so that if any of the people who were given a credit for an unbuildable lot would request a variance, further action could be taken to assess that person or property.

MOTION NO. 10-13-86 WAS MADE BY COUNCILMAN NELSON AND SECONDED BY COUNCILMAN ALLEN TO ADOPT THE FINDINGS OF FACTS GIVEN BY DOUG ANDERSON WITHOUT ANY CHANGES. MOTION PASSED UNANIMOUSLY.

Clerk Buchite read aloud the Resolution Adopting Assessment as prepared by Tom Fitzpatrick. MOTION NO. 10-14-86 WAS MADE BY COUNCIL ALLEN AND SECONDED BY COUNCILMAN COURTS TO APPROVE THE RESOLUTION ADOPTING ASSESSMENT PLAN FOR THE FIRST YEAR OF THE FIVE-YEAR ROAD PROGRAM FOR \$206,000. UPON ROLL CALL VOTE BEING TAKEN, ALLEN, COURTS, NELSON AND YATES VOTED AYE. MOTION PASSED UNANIMOUSLY.

Bruce Buxton addressed the City Council regarding the road project. He said there are a few deficiencies that need fixing and there is something that should be done over by McVeety's on Sunrise Boulevard. The City Council inspected the roads with Mr. Buxton and also felt something should be done. Buxton said he felt the contractor had fulfilled his part of the

contract because the contract called for an overlayment and that is what was done. Buxton said the correct way to eliminate the water on the road problem is to ditch and culvert the area. After a lengthy discussion, it was the decision of the Council to have the contractor return to place a skin patch over the road. Mr. Buxton recommended the Council approve the skin patch at an additional \$700 to be paid the contractor. MOTION NO. 10-15-86 WAS MADE BY COUNCILMAN ALLEN AND SECONDED BY COUNCILMAN NELSON TO APPROVE PAYMENT OF \$3,479.96 WHICH INCLUDES \$700.00 FOR SKIN PATCH ON SUNRISE BOULEVARD BY McVEETY'S, TO TRI-CITY PAVING AFTER ALL DEFICIENCIES AND SKIN PATCH ARE COMPLETED. MOTION PASSED UNANIMOUSLY.

VI. H. Telephone Company

Mr. Dene Carney, Commission member, said that with regard to the expansion of Cablevision into Mission Township, expansion was indicated in their activities, but it was not stated if it would be Mission, Ossawinamakee, Bon Repos or where. Mr. Carney said they felt it is actually just the purchase of supplies. Mayor Mezzenga said he felt it was expansion of a service and should have had Council approval. He indicated there would probably be no problem obtaining approval but the Council should be made aware of the expansion before it takes place. Mr. Carney indicated the total length of expansion is approximately 4.5 miles at a cost of approximately \$16,300 with payback in a two or three year period.

VII. COMMITTEE REPORTS

A. Police Department

Nothing

VIII. OLD BUSINESS

Nothing

IX. PUBLIC FORUM

A request for a street sign was made but without a definite street name. Mayor Mezzenga said a sign could be ordered when a name is decided.

X. ADJOURN

MOTION NO. 10-16-86 WAS MADE BY COUNCILMAN NELSON AND SECONDED BY COUNCILMAN ALLEN TO AJOURN THIS REGULAR COUNCIL SESSION AT 10:40 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:

Arlene A. Buchite

Arlene A. Buchite
City Clerk/Treasurer

ORDINANCE NO. 9, THIRD SERIES.

AN ORDINANCE OF THE CITY OF CROSSLAKE, MINNESOTA, AMENDING CITY CODE CHAPTER 2 ENTITLED "ADMINISTRATION AND GENERAL GOVERNMENT" BY CHANGING SALARIES OF MAYOR AND COUNCILMEN.

THE CITY COUNCIL FOR THE CITY OF CROSSLAKE ORDAINS:

Section 1. Crosslake City Code Sec. 2.06 entitled "Administration and General Government" is hereby amended by changing Sec. 2.06 to read:

Sec. 2.06. SALARIES OF MAYOR AND COUNCILMEN. Effective January 2, 1987, the salaries of the Mayor and Council are hereby fixed as follows, which amounts are deemed reasonable:

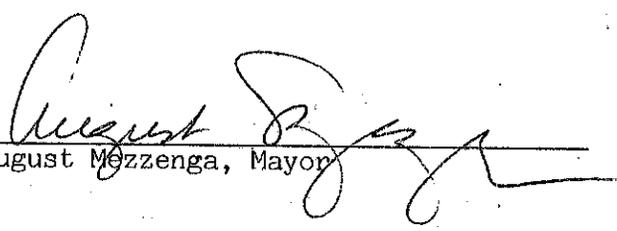
Subd. 1. The monthly salary of the Mayor shall be \$125.00 per month, and the monthly salary of each Councilman shall be \$100.00.

Subd. 2. One-half of said salary shall be paid from General Revenue Funds and the remaining half shall be paid from Telephone Funds.

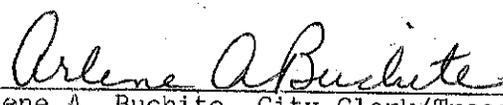
Section 2. Crosslake City Code Chapter 2 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Sec. 2.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after its execution and publication.

Passed by the City Council of Crosslake on this 14th day of October, 1986.


August Mezzenga, Mayor

ATTEST:


Arlene A. Buchite, City Clerk/Treasurer

Published in the Country Echo on October 23, 1986.

RESOLUTION

REVENUE SHARING FUNDS USE AUTHORIZATION

WHEREAS, it is the intention of this resolution to recommit the obligation which has been undertaken to remodel or build new the City Hall of Crosslake of past years Revenue Sharing Funds received, as well as the Entitlement Period 17 receipts. The City Council has interpreted that the obligation and appropriation of these funds within a 24 month period has been committed to, but because of the committee process which is studying the feasibility and financing alternatives available, the actual funds have not been expended or disbursed as of this resolution date.

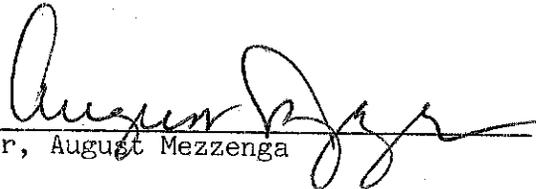
THEREFORE, BE IT RESOLVED, that the Revenue Sharing Fund obligation of \$59,053.78 from December 31, 1985 herein still remains obligated to the remodeling or building of the City Hall project.

FURTHER, BE IT HEREBY RESOLVED, that the Entitlement Period 17 receipts of \$18,274.00 for 1986 be hereby dedicated to the remodeling or building of City Hall.

BE IT RESOLVED, that the City Council of the City of Crosslake, Minnesota go on record to approve this Revenue Sharing Resolution this 14th day of OCTOBER, 1986.

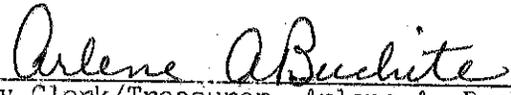
COUNCIL VOTING AYE 4

COUNCIL VOTING NAY 0



Mayor, August Mezzenga

ATTEST:



City Clerk/Treasurer, Arlene A. Buchite

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment and has amended such proposed assessment as it deems just for road improvements including bituminous overlay, ditching, drainage and other necessary work on roads scheduled for improvement in the first year of the City's approved Five Year Plan as modified by City Council on April 14, 1986.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
CROSSLAKE, MINNESOTA:

1. Such proposed assessment, as amended, a copy of which is on file in the office of the City Clerk and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

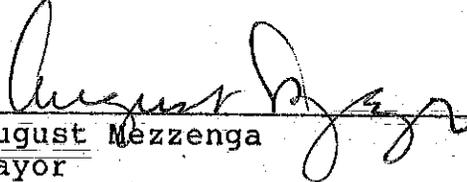
2. Such assessment as amended shall be payable in equal annual installments extending over a period of Seven (7) years, the first of the installments to be payable on or before the first Monday in January, 1987 and shall bear interest at the rate of Eight and 75/100ths (8.75%) Percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1987. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

3. The owner of any property so assessed may, within thirty (30) days from the adoption of this resolution, pay the whole of the

assessment on such property with no interest being charged; and he may, at any time thereafter, pay to the City Clerk/Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which said payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.

4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the proper tax list of the County, and such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 14th day of October, 1986.


August Mezzenga
Mayor