

**COUNCIL PROCEEDINGS  
CITY OF CROSSLAKE MINNESOTA  
REGULAR COUNCIL MEETING  
MONDAY, OCTOBER 14, 1996**

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, October 14, 1996. The following Councilmembers were present: Mayor David M. Kolesar, Charles O. Miller, Raymond P. Smyth and John (Jack) R. Webster. Absent was Richard Upton. Also present was City Clerk Arlene Buchite and City Attorney Paul Sandelin. There were 29 citizens in the audience.

Mayor Kolesar called the Regular Council Meeting to order at 7:00 P.M.

**CRITICAL ISSUES -**

Mayor Kolesar read three letters which had been received from residents regarding requests for additional off sale licenses within the City. Letters in opposition were received from Bob and Sue Boyson, Sally Miller, Robert and Barbara Flohr.

Paul McCulloch had requested that Chief Backdahl respond to a request regarding the safety of the proposed location on Cty Rd #16 for Moonlight Square. Chief Backdahl had written a letter indicating that the Police Department had no objection to a liquor store at that location and believed there would be little, if any, workload as a result of a license being issued.

Paul McCulloch addressed the Council and stated that he and his three partners had contacted existing license holders to see if they would be willing to relinquish their licenses. A petition had been signed by residents and business owners in support of free enterprise. He stated there would be no negative impact on the City and requested consideration of the license.

A request for a off sale license was received from Echo Ridge also.

Another petition in opposition to the approval for additional liquor licenses was presented by Diane Ruetter. This petition also included a request for a three year moratorium on requests for licenses. The supporters of this petition felt adding additional licenses would put the ratio of residents to off sale establishments out of sync with surrounding communities.

Mayor Kolesar commented that Crosslake is classified as a fourth class City because of population (under 2,500 population). In a second class city, the limit is determined by the governing body of the City so is a Council decision and not controlled by State Statute. Attorney Sandelin stated that the Statute does give the authority to establish numbers but it is up to the Council to establish the number.

Diane Ruetter, Joan Baker, Mark Satts, Char Koshiel expressed their views in opposition to issuing additional licenses.

**MOTION 10-01-96 WAS MADE BY CHUCK MILLER AND SECONDED BY DAVE KOLESAR TO AMEND THE ORDINANCE TO APPROVE TWO ADDITIONAL LICENSES. MOTION DID NOT CARRY WITH MAYOR KOLESAR, RAY SMYTH AND JACK WEBSTER VOTING NAY AND CHUCK MILLER VOTING AYE.**

The Willwood Road right-of-way issue was heard at this time. Arlene Courynea addressed the Council and expressed her concern with the options the Council and Public Works Commission had offered in regards to the road. She stated the Courynea's were not in agreement with these options.

Dean Swanson addressed the Council and stated that the Public Works Commission was requesting Council approval to have the road surveyed to determine the exact location. A recommendation will be made once the facts are known.

**MOTION 10R-02-96 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO HAVE THE CITY ENGINEER SURVEY WHERE WILLWOOD ROAD IS PRESENTLY LOCATED. MOTION CARRIED UNANIMOUSLY.**

**CONSENT CALENDAR -**

**MOTION 10R-03-96 WAS MADE BY RAY SMYTH AND SECONDED BY JACK WEBSTER TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF; (1) MINUTES OF SEPTEMBER 9, 1996 PUBLIC HEARING AND REGULAR COUNCIL MEETING WITH A CORRECTION ON PAGE TWO TO SHOW THE CONTINUATION HEARING FOR THE TRUTH IN TAXATION HEARING AS DECEMBER 19, 1996; (2) CLERK/TREASURER'S FINANCIAL REPORT FOR AUGUST, 1996; AND (3) CLERK/TREASURER'S FINANCIAL REPORT FOR SEPTEMBER, 1996. MOTION CARRIED UNANIMOUSLY.**

**CLERK'S REPORT -**

**MOTION 10R-04-96 WAS MADE BY JACK WEBSTER AND SECONDED BY RAY SMYTH TO PAY ALL BILLS AS PRESENTED CONSISTING OF: (1) GAMMELLO SANDELIN P.A. FOR \$2,223.77; (2) WIDSETH SMITH NOLTING & ASSOCIATES FOR \$13,783.61; (3) BONESTROO FOR \$2,219.89 BASED ON PAYMENT NUMBER 6; (4) S&S DISTRIBUTORS FOR SPEAKER EQUIPMENT FOR \$-----; (5) LMCIT FOR INSURANCE FOR OPEN MEETINGS FOR \$500.00; (6) RAY KULLHEM FOR NAILS FOR BRIDGE FOR \$638.28; (7) PORTAGE SAND AND GRAVEL FOR \$1,516.11; (8) CROSSLAKE CONSTRUCTION FOR \$96,710.71; (9) XEROX FOR MAINTENANCE ON POLICE COPIER FOR \$57.00; (10) CROSSLAKE TELEPHONE COMPANY FOR INDOOR COAX FOR NEW CITY HALL FOR \$319.50; (11) CROSSLAKE SANITATION FOR RECYCLING FOR \$950.00 AND COMMUNITY CENTER RUBBISH REMOVAL FOR \$71.90; (12) EVERGREEN EQUIPMENT FOR PULL TYPE AERATOR FOR \$1,000.00; (13) ANDERSON BROTHERS FOR WORK ON BASEBALL FIELD FOR \$36,346.87; (14) JIM'S ELECTRIC FOR ELECTRICAL WORK ON FIREPLACE, RANGE, AND FOR KEY SWITCHES ON LIGHT SWITCHES IN GYMNASIUM FOR \$843.76; (15) LES THORSTENSON FOR USED POLISHER FOR COMMUNITY CENTER FOR \$500.00; (16) FEE TO DNR FOR EASEMENTS ON WOLF TRAIL AND GREER LAKE FOR \$500.00; (17) HEARTLAND TIRE TO INSPECT DUMP TRUCK AND PURCHASE STROBE LIGHT; (18) CUSTOM METAL FAB FOR NEW FLAG POLE AT COMMUNITY CENTER FOR \$374.85; AND (19) FIRE DEPARTMENT STATE AID FOR \$12,773.00; MOTION CARRIED UNANIMOUSLY.**

**Correspondence -**

**A letter had been received from the MN League of Cities regarding the joint powers agreement with Mission Township. Attorney Sandelin did not see any of the issues raised by the League a problem unless Mission Township would adopt some of its own Ordinances. If the contract is renewed, some of the changes requested by the League could be made at that time.**

**Quotes to upgrade the copier to include a re-circulating document feeder and a ten bin sorter, stapler had been received from Office Shop and Cyberstar. MOTION 10R-05-96 WAS MADE BY JACK WEBSTER AND SECONDED BY CHUCK MILLER TO PURCHASE THE RDF AND 10 BIN SORTER STAPLER AT A COST OF \$2,460.15 INCLUDING TAX FROM CYBERSTAR. MOTION CARRIED UNANIMOUSLY.**

**MOTION 10R-06-96 WAS MADE BY JACK WEBSTER AND SECONDED BY RAY SMYTH TO APPROVE THE EMPLOYMENT AGREEMENT WITH GEORGE RICHES AND THE CITY OF CROSSLAKE AS PRESENTED BY THE CITY ATTORNEY. MOTION CARRIED UNANIMOUSLY.**

**MOTION 10R-07-96 WAS MADE BY RAY SMYTH AND SECONDED BY JACK WEBSTER TO CHANGE THE NOVEMBER GENERAL ELECTION TO THE NEW CITY HALL. MOTION CARRIED UNANIMOUSLY.**

**MAYOR'S REPORT -**

**Candidate night, hosted by the Chamber of Commerce, will be held at the Log Church on Monday, October 28<sup>th</sup> at 7:00 P.M.**

**A Public Hearing on the City's Comprehensive Plan will be held on Monday, October 21<sup>st</sup> at 7:00 P.M. at City Hall.**

**Two quotes had been received for moving City Hall. One bid was \$1600 and the other for \$900.**

**MOTION 10R-08-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO PAY THE MOVERS AN AMOUNT NOT TO EXCEED \$950.00 TO MOVE CITY HALL. MOTION CARRIED UNANIMOUSLY.**

**Mayor Kolesar requested approval to purchase three computers and a scanner from the Telephone Company dividend money.**

**MOTION 10R-09-96 WAS MADE FROM CHUCK MILLER AND SECONDED BY RAY SMYTH TO PURCHASE THREE MORE COMPUTERS WITH TELEPHONE DIVIDEND MONEY FOR A TOTAL OF \$12,860 INCLUDING TAX. MOTION CARRIED UNANIMOUSLY.**

**A letter from Byron Hoffman requesting Tax Increment Financing caused some discussion among the Council regarding the need for a policy to obtain a down payment from the developer to offset administrative costs incurred by the City. A fee of \$4500 should be paid up front and if, for any reason, the district is not approved or the developer chooses to walk away from the project, the City is not left paying the costs incurred. Any money not used**

would be refunded to the developer. The City Attorney will look at the current City policy and the issue will be discussed at the November meeting.

A moving sale will be held in the basement of City Hall on Friday, November 1<sup>st</sup> and Saturday, November 2<sup>nd</sup>.

Breezy Point sent \$1000 to help support North Ambulance.

A person to videotape Council meetings is being sought for next year.

**PLANNING AND ZONING -**

**MOTION 10-10-96 WAS MADE BY JACK WEBSTER AND SECONDED BY CHUCK MILLER TO APPOINT DARRELL SWANSON AS A REGULAR MEMBER OF THE PLANNING AND ZONING COMMISSION. MOTION CARRIED UNANIMOUSLY.**

**MOTION 10-11-96 WAS MADE BY JACK WEBSTER AND SECONDED BY RAY SMYTH TO APPROVE ORDINANCE #81, SECTION 8.27, 8.28 AND 8.29 DELETING THE STRING TEST FROM THE ORDINANCE. MOTION CARRIED UNANIMOUSLY.**

The Planning and Zoning Commission has gathered a considerable amount of information regarding adopting the Uniform Building Code and getting a building inspector for the City. It was their recommendation that the City pursue these options.

**MOTION 10-12-96 WAS MADE BY JACK WEBSTER AND SECONDED BY RAY SMYTH TO PROCEED WITH ADOPTING THE BUILDING CODE AND TO REVISE THE FEE STRUCTURE SO ALL EXPENSES WILL BE PAID BY FEES.**

Jack Webster commented that through September permits totaling \$6,500,000 have been issued.

Chuck Miller stated that he has contacted lumber yards and contractors and in talking to these people feels there is no need for a building inspector.

Chuck McCulloch addressed the Council and stated it was a matter of public safety and was in full support of its adoption.

Gene Courneya addressed the Council stating he was in support of its adoption. **MOTION CARRIED WITH CHUCK MILLER VOTING NAY.**

A proposal was received from Widseth Smith Nolting to complete the mapping for the City and update the zoning ordinances to coincide with the comprehensive plan. Mapping was a budgeted item.

**MOTION 10-13-96 WAS MADE BY JACK WEBSTER AND SECONDED BY RAY SMYTH TO APPROVE THE MAPPING BY WIDSETH SMITH NOLTING NOT TO EXCEED \$6500. MOTION CARRIED UNANIMOUSLY.**

**MOTION 10-14-96 WAS MADE BY JACK WEBSTER AND SECONDED BY RAY SMYTH TO APPROVE UPDATING THE ZONING ORDINANCES NOT TO EXCEED \$5,000 FROM THE TELEPHONE DIVIDEND. MOTION CARRIED WITH CHUCK MILLER VOTING NAY.**

**PUBLIC SAFETY -**

The Police Department reported 83 incidents in September which is approximately 100 incidents behind 1995.

The Fire Department responded to ten medicals, one deck fire and one auto fire.

Mayor Kolesar read a letter complimenting Officer Bob Hartman on his prompt, courteous and professional handling of situations.

**PARK AND RECREATION -**

Ray Smyth reported that the dedication on September 21<sup>st</sup> was a huge success.

The carpet has not been installed in the gym due to the moisture content in the concrete. There is a quick drying method available which is under consideration whereby the contractor, architectural firm and City could possibly split the cost.

Rob Larson recommended that user fees be implemented for set up and tear down outside the normal business hours. Considerable discussion ensued regarding how these fees would be administered.

**MOTION 10R-15-96 WAS MADE BY RAY SMYTH AND SECONDED BY JACK WEBSTER TO APPROVE A \$10 PER HOUR SET UP AND TAKE DOWN FEE IN ADDITION TO THE USER FEE WITH A MINIMUM CHARGE OF \$10.00. MOTION CARRIED WITH CHUCK MILLER VOTING NAY.**

The first session of aerobics has been completed and the Commission recommended that a second eight week session be approved on a contract basis.

**MOTION 10R-16-96 WAS MADE BY RAY SMYTH AND SECONDED BY JACK WEBSTER TO APPROVE PAYING DONNA KEIFFER \$348 FOR THE NEXT AEROBICS SESSION. MOTION CARRIED UNANIMOUSLY.**

The final leveling and grading of the ballfield required a Minnesota Pollution Notice of Termination. A permit was required to assure the proper storm water discharge.

**MOTION 10R-17-96 WAS MADE BY RAY SMYTH AND SECONDED BY JACK WEBSTER TO APPROVE HAVING THE MAYOR SIGN THE MINNESOTA POLLUTION CONTROL AGENCY NOTICE OF TERMINATION CONTRACT FOR THE COMMUNITY CENTER. MOTION CARRIED UNANIMOUSLY.**

Rob Larson requested approval to attend the Regional Park and Recreation Meeting in Duluth in November.

**MOTION 10R-18-96 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO APPROVE ROB LARSON ATTENDING THE PARK AND RECREATION CONFERENCE IN DULUTH FOR THREE DAYS. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC WORKS -**

The Public Works Commission recommended several items to the Council. The first item was the acceptance of the road study report from Widseth Smith Nolting.

**MOTION 10R-19-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO ACCEPT THE ROAD STUDY REPORT FROM WIDSETH SMITH NOLTING SUBJECT TO MODIFICATION AS DEEMED NECESSARY. MOTION CARRIED UNANIMOUSLY.**

The second request recommended adoption of an overall City levy for the upgrade of roads.

**MOTION 10R-20-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO ACCEPT THE RECOMMENDATION FROM THE PUBLIC WORKS COMMISSION TO ADOPT A 100 PERCENT LEVY TO FINANCE UPGRADING OF ROADS. MOTION CARRIED WITH MAYOR KOLESAR VOTING NAY.**

A survey has been completed by Widseth Smith Nolting for Wilderness Road. It was recommended that additional footage be acquired either through conveyance or the condemnation process. It was suggested that a person be named by the Public Works Commission to contact the property owners.

**MOTION 10R-21-96 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO BEGIN THE PROCESS TO ACQUIRE A 66 FOOT RIGHT OF WAY FOR WILDERNESS ROAD. MOTION CARRIED UNANIMOUSLY.**

The Commission requested permission to apply for a grant to upgrade Greer Lake Road.

**MOTION 10R-22-96 WAS MADE BY CHUCK MILLER AND SECONDED BY JACK WEBSTER TO PASS A RESOLUTION TO APPLY FOR A GRANT FOR GREER LAKE ROAD. MOTION CARRIED UNANIMOUSLY.**

**UTILITIES -**

The equipment upgrade in the Goodrich O'Brien and Bass Lake area has been completed.

Negotiations are commencing on the renewal of the three year union contract.

**LONG RANGE CAPITAL PLANNING -**

**MOTION 10R-23-96 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO APPOINT MATT ENGEN AS AN ALTERNATE MEMBER OF THE LONG RANGE CAPITAL PLANNING COMMISSION. MOTION CARRIED UNANIMOUSLY.**

An agreement has been reached with all parties involved with the Central Business District Road. After it is reviewed by Mayor Kolesar and Chuck Miller it will be brought before the Council.

**PERSONNEL -**

**MOTION 10R-24-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO ACCEPT THE RESIGNATION OF STEVEN SCHAAR, POLICE SERGEANT EFFECTIVE OCTOBER 12, 1996. MOTION CARRIED UNANIMOUSLY.**

**MOTION 10R-25-96 WAS MADE BY CHUCK MILLER AND SECONDED BY JACK WEBSTER TO APPOINT DAVE KOLESAR, DENE CARNEY AND JACK WEBSTER TO NEGOTIATE WITH THE TELEPHONE COMPANY UNION WITH RAY SMYTH AS ALTERNATE. MOTION CARRIED UNANIMOUSLY.**

Thirty three individuals applied for the police officer position. Written tests have been given and oral interviews are scheduled for October 23<sup>rd</sup>.

**RECYCLING-**

The amount recycled through September was 104 tons.

**ECONOMIC DEVELOPMENT AUTHORITY - Nothing**

**EDUCATION COMMITTEE - Nothing**

**OLD BUSINESS -**

Jack Webster is working with Paul Sandelin on the road vacation policy. The issue will be acted on at the November Council meeting.

**NEW BUSINESS - Nothing**

**PUBLIC FORUM - Nothing**

**MOTION 10R-26-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO ADJOURN THIS REGULAR COUNCIL SESSION AT 9:20 P.M. MOTION CARRIED UNANIMOUSLY.**

Transcribed and edited by:



**Arlene A. Buchite  
City Clerk/Treasurer**