

REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, NOVEMBER 14, 2005
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, November 14, 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 Sergeant Erik Lee, Fire Chief Keith Anderson, Operations Manager Jared Johnson, Clerk/Treasurer Darlene Roach, City Attorney Kirk Adams, City Engineer's Dave Reese and Mark Hallan and Lake Country Echo Reporter Brian Clapper. There were approximately fourteen 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 011R-01-05 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY DEAN SWANSON TO ACCEPT THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

B. CRITICAL ISSUES – None

C. CONSENT CALENDAR – MOTION 11R-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 REGULAR COUNCIL MEETING OF OCTOBER 10, 2005; (2.) CROSSLAKE COMMUNICATIONS BALANCE SHEET AND INVESTMENT/CASH SUMMARY DATED SEPTEMBER 30, 2005; (3.) CITY MONTH END REVENUE REPORT DATED SEPTEMBER 30, 2005; (4.) CITY MONTH END EXPENDITURE REPORT DATED SEPTEMBER 30, 2005; (5.) LAKES STATE BANK PLEDGE REPORT DATED OCTOBER 2005; (6.) LAKEWOOD BANK PLEDGE REPORT DATED OCTOBER 2005; (7.) NORTHERN NATIONAL BANK PLEDGE REPORT DATED OCTOBER 2005; AND (8.) FIRST FEDERAL SAVINGS BANK PLEDGE REPORT DATED OCTOBER 2005. MOTION CARRIED WITH ALL AYES.

D. PUBLIC FORUM – None

E. MAYOR'S REPORT – Mayor Andolshek noted that a letter dated October 31, 2005 from Crow Wing County Auditor Roy Luukkonen included an advertisement which is being placed in local newspapers requesting citizens who wish to serve on the Crow Wing County Sewer District Board to apply for the position no later than November 21st. This information was included for Council information.

F. CITY ADMINISTRATOR REPORT –

1. City Bills for Approval – MOTION 11R-03-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNTS OF \$194,291.08 AND \$6,098.60. MOTION CARRIED WITH ALL AYES.
2. A memo from City Administrator Swenson dated October 31, 2005 included a resolution for elected official out of state travel. If approved, this resolution would also apply to advisory boards and commission members. MOTION 11R-04-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE RESOLUTION 05-24 ESTABLISHING AN ELECTED OFFICIAL OUT-OF-STATE TRAVEL POLICY. MOTION CARRIED WITH ALL AYES.
3. A memo dated October 14, 2005 from City Administrator Swenson contained a comparison of 29 area cities for city tax rate and total tax rate for city, county, school and special taxing districts. For taxes payable in 2005, Crosslake was fourth lowest in Average City Tax Rate and third lowest in Average Total Tax Rate.
4. A letter dated October 20, 2005 from Crow Wing Power informed the City of the Board of Director's decision to continue the municipal meter relief program for another year. In 2005, this program will save the City \$720 and in the past ten years has saved the City \$4,440. This is in addition to the 1% of total gross revenues the City receives under the special lighting program. For 2005, the City of Crosslake will have received a credit of approximately \$25,000 towards the street lighting program.
5. A letter dated October 11, 2005 from Morrison County Administrator Timothy Houle advised the Council of a meeting to be held on October 20, 2005 at Central Lakes Community College to discuss current issues and opportunities for improvements for Region 5 and was included for Council information.

G. COMMISSION/DEPARTMENT REPORTS –

1. LIBRARY – Alden Hardwick reported that the City isn't eligible for any of the State Grant funds since recipients need to be a member of a regional library system. State funding comes with a lot of strings attached and generally result in more applicants than money to distribute. Hardwick stated that he sent the notice he received from Director Suzanne Miller of the State Education Department to Senator Carrie Ruud and Representative Larry Howes advising them of the requirement to be a member of the regional system. Initially, Representative Howes had informed the City that private libraries would be eligible. The total funds collected to date for the proposed library is approximately \$260,000 with \$178,000 in cash. This amount covers the library's portion of the construction of the building. The Committee is proposing a three-step approach to construction with the design process being the next step. The Committee is not ready to present the design at this time even though much of the design has already been done. Committee members will be meeting with Norson Construction on November 15th. The Committee will come back to the Council with each step. Approval was requested to submit grant applications to Bremer Foundation and Anderson Foundation. MOTION 11R-05-05 WAS MADE BY

TERRY CURTIS AND SECONDED BY DEAN SWANSON TO AUTHORIZE THE LIBRARY COMMITTEE'S PROCEEDING WITH GRANT APPLICATIONS THROUGH THE BREMER FOUNDATION AND ANDERSON FOUNDATION. MOTION CARRIED WITH ALL AYES. Councilmember Eggena stated that the library is really a two-step approach with the Community Center being the other portion of the scenario and the Council hasn't gotten into this portion yet. Hardwick stated that he would like to get ideas from various firms and then come back to the Council with these ideas. Councilmember Eggena stated that would be great, but just wants to make sure the Community Center portion gets approval before we proceed. Hardwick stated that it is the goal of the Committee to keep the Council informed. Councilmember Swanson asked if the design phase would include the entire project including the library and Community Center and Hardwick stated that it would include both portions. The Community Center has agreed to assist with book collection over the winter months since the small cabin is closed for the season. Another fundraiser will be held in December in the form of a Christmas Tea. Councilmember Phillips stated that he thought the library funds were going to cover both the library and community center improvement. Councilmember Curtis stated that we have talked about the weight room relocation and etc. being made at the Community Center. Park and Recreation Director Henke stated that the proposed cost of \$440,000 for the project would include use of park dedication funds for the Community Center portion. Councilmember Phillips stated that he has a problem with spending \$220,000 for weight room expansion and etc. Alden Hardwick stated that the Library Committee is working together with the Park and Recreation Commission and details need to be worked out before they are presented to the Council. The minutes of the October 17, 2005 Library Committee Meeting and the minutes of the October 17, 2005 Fund Raising Committee Meeting were included for Council information.

2. PUBLIC SAFETY –

- a. In the absence of Chief Hartman, Sergeant Lee reported 164 calls in Crosslake in October.
- b. A total of 33 calls were reported in Mission Township in October. Sergeant Lee noted that the Crosslake Fire Department and Police Department went on a call in Timothy Township on a hunting accident recently. Lee complimented the three first responders, Don Koslowski, Paul Nelson and Scott Johnson as well as Fire Chief Anderson on the excellent job they did in this very unfortunate situation.
- c. A memo dated November 4, 2005 from Chief Hartman and Chief Anderson requested acceptance of a donation in the amount of \$250 from the family of Daniel Bulman to be shared between the two departments. MOTION 11R-06-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO ACCEPT THE DONATION FROM THE FAMILY OF DANIEL BULMAN IN THE AMOUNT OF \$250. MOTION CARRIED WITH ALL AYES.
- d. Chief Anderson also commented on the shooting incident and stated that these situations are always upsetting to the responding personnel but

everyone does the very best they can do in these situations. Anderson commended Sergeant Lee on his involvement. Anderson requested acceptance of a donation in the amount of \$1,950 from Mary Ann and Guy Wannebo for the purchase of a defibrillator and two First Responder Bags for the Fire Department. MOTION 11R-07-05 WAS MADE BY TERRY CURTIS AND SECONDED BY DEAN SWANSON TO ACCEPT THE DONATION FROM THE WANNEBO'S IN THE AMOUNT OF \$1,950. MOTION CARRIED WITH ALL AYES. Chief Anderson stated that the donation from the Bulman's was the result of a call where a 52 year old man had a heart attack and four of the First Responders along with Police Officer Willard stayed on the scene for approximately forty-five minutes to keep the family consoled while North Ambulance personnel did what they could for the individual.

- e. The Fire Department responded to 13 calls in October with 11 being medical calls and 2 fire calls.
- f. North Ambulance reported 42 callouts in September and 43 callouts in October.
- g. Chief Anderson requested Council approval to replace the current air compressor, which is no longer working, with a Bauer CII/DV Compressor from Alex Air in the amount of \$6,000 less \$500 trade-in value. The Lions Club has been contacted regarding a donation in the amount of \$4,000 and this request will be reviewed at a meeting on November 16th. The balance of the cost would be paid for out of the Fire Department Equipment Replacement Capital Equipment Fund. MOTION 11R-08-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO APPROVE THE PURCHASE OF A BAUER CII/DV COMPRESSOR WITH \$4,000 OF DONATED FUNDS FROM THE LIONS CLUB IF APPROVED OR FROM FUNDS IN THE RESERVE ACCOUNT. MOTION CARRIED WITH ALL AYES.

3. PARK AND RECREATION –

- a. Park and Recreation Director Jon Henke presented his Staff Report dated November 8, 2005. Phase I of the Playground Project is complete thanks to a number of individuals who volunteered to assist with installation. Volunteers included Loren Hardy, Monte Miller, Morrie Mikkelson, John Antos and Hank Duitsman. Organizations that also assisted were the Public Works Department, Simonson Lumber and the Crow Wing County Sentence to Serve Crew. Financial contributions were received from the Crosslake/Ideal Lions and Crow Wing Power Community Trust Operation Round Up. In the spring of 2006, Phase II will be completed including a shade feature, benches, trees and shrubs, curbing and a path through the center of the playground. A grand opening will be held upon completion recognizing all of the volunteers and contributors to the project. Acceptance of a grant in the amount of \$3000 from the Crow Wing Power Community Trust Operation Roundup Program was requested. This money will be used

towards the purchase of an NSF Dishwasher that will be utilized by current community groups as well as the Senior Meal Program. MOTION 11R-09-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO ACCEPT THE DONATION OF \$3,000 FROM CROW WING POWER COMMUNITY TRUST ROUNDUP. Henke stated that the American Legion has indicated that they will donate \$1,000 for the Senior Meal Program and the Lions Club will meet on Wednesday, November 16th and finalize a \$1,000 donation. MOTION CARRIED WITH ALL AYES. Henke requested approval to proceed with the purchase of supplies needed to pay for and install the dishwasher, apply for permits and install necessary plumbing. MOTION 11R-10-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE EXPENDITURES OF \$6,000 FOR THE KITCHEN AT THE COMMUNITY CENTER IN ORDER TO TAKE ON THE SENIOR MEAL PROGRAM. Councilmember Swanson stated that he thought the money was for upgrading the kitchen for use by everyone and Henke stated that this work would allow other groups to use the kitchen facilities. Councilmember Curtis asked if this work would be compatible for senior meals if that program is taken on and Henke stated that it was. Councilmember Swanson asked if \$6,000 would buy everything and Henke stated that he did not know since there are licenses to obtain, plumbers to hire and equipment to purchase. Swanson stated that last month Henke indicated that he was going to pursue funds to defray the cost and now Henke is looking for money from the Council. Henke stated that his obtaining \$5,000 in a month's time was a good effort. Curtis asked if the grant from Crow Wing Power was limited to Senior Meals and Henke stated that the request was generic. MOTION CARRIED 4-1 WITH COUNCILMEMBER SWANSON OPPOSED. A motion to accept the donation from the American Legion was requested. MOTION 11R-11-05 WAS MADE BY TERRY CURTIS AND SECONDED BY DICK PHILLIPS TO ACCEPT THE DONATION OF \$1,000 FROM THE AMERICAN LEGION. MOTION CARRIED 4-1 WITH COUNCILMEMBER SWANSON OPPOSED. Henke asked whether he could order the equipment prior to receiving money from the Lions Club and Councilmember Eggena stated he could go ahead and place the order and if the donation doesn't come in, Henke should come back to the Council. Henke noted that 150 children attended the annual Halloween Party held on Saturday, October 29th. Sponsors of the event include Reeds Market, Crosslake/Ideal Lions, Whitefish Area Lions, Crosslake American Legion Auxiliary and Crosslake Communications who were acknowledged for assisting in sponsoring the event. All of the volunteers who assisted with the party, including Marsha Schoeb who did face painting, were recognized for their efforts. The Community Center will be closed on November 25th and 26th for the Thanksgiving Holiday. The next session of aerobics begins on Monday, November 14th. The session will run for four weeks and the cost for membership is \$36. AAA is sponsoring a senior driving class on

November 16th from 1:00 – 5:00 P.M. at the Community Center and enrollment is through AAA.

4. PUBLIC WORKS –

- a. Public Works Director Ted Strand informed the Council that the crew is getting ready for snow. The plows have been put on the equipment and salt and sand is ready. There are a couple of sewer connections remaining to be made otherwise most of the properties have connected to the system.
- b. A memo dated October 17th from Dave Reese of WSN included correspondence responding to the request for quotation of additional work for Greer Lake Park Road. This pertains to the construction of a storm water retention area adjacent to the right of way on DNR administered land in the Crosslake portion of the roadway. The DNR has given verbal approval to construct a retention pond in the Crosslake segment of the roadway. The addition of this work, plus Contract Change Order No. 1 does not exceed 10% of the original project estimate, so the change order will be forwarded to Fairfield Township for inclusion in the project. Reese stated that the road has been paved and the turf has been dormant seeded so most of the correspondence remaining relates to work on the retention ponds which will be done in the spring. The contractor is agreeable to doing the retention pond work in the spring.
- c. A letter dated October 25, 2005 from Dave Reese of WSN to Paul Lundgren of the DNR was included for Council information.
- d. A letter dated October 27, 2005 from WSN to Marianne Auge of Fairfield Township regarding Contract Change Order No. 2 was included for Council information.
- e. A date for a special meeting to review the feasibility studies and set improvement hearing dates and times for various road projects was requested. All of the roads being proposed for improvement are City initiated projects with the exception of Pineview/Brita Lane, which is a petitioned project. City maintained roads will be assessed 50% to the benefiting property owners and Pineview/Brita Lane will be assessed to the benefiting property owners at 100%. The meeting was set for November 30th at 3:00 P.M. at City Hall. City Attorney Adams stated that the plat in which Pineview/Brita Lane is located contains language, which shows that the easement is owned by four individuals. If possible, they could be contacted to give the City the easement. The second option would be to do a quick take condemnation. City Administrator Swenson suggested that the Council authorize the condemnation since another month would be lost trying to contact the individuals named in the plat since no one knew any of the individuals. City Attorney Adams stated that he would prepare a resolution for quick take condemnation if the City wished to authorize this procedure. MOTION 11R-12-05 WAS MADE BY DEAN EGGENA AND SECONDED BY JAY ANDOLSHEK TO APPROVE RESOLUTION NO. 05-25 AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ROADS COMMONLY KNOWN AS PINE VIEW LANE, BRITA LANE

AND SHAFER ROAD LOCATED WITHIN THE PLAT OF JOHNSON'S PINE VIEW.MOTION CARRIED WITH ALL AYES.

- f. Resolution regarding Unpaid Sewer Charges - City Administrator Swenson noted that the Sewer Ordinance has a provision for unpaid sewer charges and approval on a resolution certifying these unpaid charges to the County Auditor for collection through the property tax system was requested. Staff did notify those property owners who had outstanding bills and all but four properties paid their delinquent charges. MOTION 11R-13-05 WAS MADE BY DEAN SWANSON AND SECONDED BY JAY ANDOLSHEK TO APPROVE RESOLUTION NO. 05-26 REGARDING UNPAID SEWER CHARGES. MOTION CARRIED WITH ALL AYES.
- g. Letter dated November 4, 2005 from MPCA regarding Letter of Warning – Crosslake Wastewater Treatment Facility National Pollutant Discharge Elimination System/State Disposal System – The MPCA has notified the City that in the first year of operation of the Wastewater Treatment Facility, the MPCA has issued a letter of warning for alleged effluent violations exceeding what is allowed under the permit.
- h. Included for Council information is a draft letter of response to the MPCA prepared by WSN. City Engineer Dave Reese noted that the MPCA letter describes the violations as having been exceeded in the area of pH, phosphorus, total suspended solids and percent removal on eight occasions. Reese stated that in March and April, the Council took action to approve the installation of insulation in the clarifier building because suspended solids were exceeded due to low flows and freezing problems. After April, these issues were resolved and the correction was reviewed with the MPCA on site. With regards to the pH and phosphorus, these violations are correctable items. Samples have shown that these levels have been in range over the past eleven months the plant has operated except for the dates specified in the letter from the MPCA. These violations were the result of a problem with the sand filters and this issue was reviewed with the MPCA. The system needs more flow and as the City adds users, the amount of auxiliary water being added will be lessened. Councilmember Eggena asked why the Council wasn't told in March that there were violations and why our new plant has violated its permit eight times without the Council being informed. Mayor Andolshek stated that the Council was made aware of the problem with the sand filters and the Council authorized that the sand be replaced. Councilmember Eggena stated that was in September and these violations occurred in March and April. Eggena stated that he called Herschel Blasing of the MPCA and he was told the reason for the letter was because no one was fixing the problems at the plant. Eggena asked who made the decision to not inform the Council. Public Works Director Ted Strand stated that he brought concerns to the Council in March. Eggena stated that he has asked Strand every month how things are going at the plant. Councilmember Swanson stated that he takes issue with Councilmember Eggena's remarks that the Council wasn't informed. Swanson stated that the Council knew there were problems. Eggena stated that we could review all the meeting

tapes and we won't hear any mention of violations. Councilmember Curtis stated that while he could appreciate the theatrics he also wondered why the Council wasn't called when the letter was received. Curtis stated that he did recall the problem with the filters but outside of that he was not aware that the City was in violation and polluting public waters. Curtis asked if a notice had been sent to the residents that there may be a problem. Curtis stated that the system put in to protect public waters is polluting public waters. Councilmember Phillips agreed and commented on the section of the letter where it states the addition of 25,000 gallons per day of well water is being added but is diluting the effluent being discharged. This addition of well water was not part of the actual design of this facility and should not require this addition if plant components are performing properly. Phillips stated this is ridiculous. Councilmember Eggena stated that he doesn't understand why the Council didn't know about this, but stated we need to get the plant working right. Eggena asked if a closed meeting could be called to disclose employee cover-up. Councilmember Swanson having gotten upset over the comments made accusing staff apologized for his over reaction but maintained that there was no cover-up by Staff. He stated that the Council was aware as much as anybody. Councilmember Curtis asked Ted Strand if the plant is polluting the Pine River and Ted Strand answered with an emphatic no. City Engineer Dave Reese stated that WSN does not take this letter lightly, but did state that the MPCA has been notified of each issue so to say that the plant is polluting is not a fair statement, since it has met the effluent flow. Reese stated that the Staff did review each exceedence with the MPCA on every occasion. Councilmember Eggena asked Reese if he is saying these violations are allowable and Reese stated that is not what he was saying. Eggena stated that he could see lawsuits coming down on this. City Engineer Reese stated that if the MPCA thought the City was polluting the Pine River, they would have seen more than a letter of warning. Reese stated that a letter of warning is the lowest form of notification from the MPCA. Eggena stated that in talking to Mr. Blasing, he stated that the MPCA will take daily action and fine the City. A meeting was set for November 18th at 2:00 P.M. to address this issue. MOTION WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO PUT A MORATORIUM ON ANY FUTURE SEWER HOOKUPS. Councilmember Swanson stated that the plant needs the flow in order to reduce the amount of well water being added. Councilmember Eggena stated that he is not convinced that the plant is operating correctly. Councilmember Curtis suggested waiting until the meeting on the 18th to make a decision. Public Works Director Strand stated that you have two motels being built that are relying on the municipal system. Phillips questioned how it could handle multiple users when it can't handle household use. Community Development Director Ken Anderson addressed the Council and wondered what liability the City has in placing a moratorium on future hookups and suggested that it may be pre-mature to impose a moratorium until factual information can be presented by the City

Engineer and Staff. SECOND WAS WITHDRAWN BY COUNCILMEMBER EGGENA AND THE MOTION FAILED FOR LACK OF A SECOND. City Attorney Adams will get back to the Council on November 15th regarding whether the meeting on the 18th can be closed and what effect a moratorium would have on the City.

- i. Letter dated November 8, 2005 to Army Corps of Engineers from City Attorney Paul Sandelin requested information from the Corps regarding specific sections of the City Code that the Corps has concerns with as well as any concerns regarding the number and/or amount of connection and user charges. This letter was included for Council information. Mayor Andolshek stated that the Corps requested a meeting with the City in August and the Council wanted time to review various items prior to meeting with the Corps. Mayor Andolshek met with the Corps on November 3rd and the Corps indicated that they would be open to paying the City's connection charges and would be receptive to an agreement in 2005. There was some discussion regarding prior conversations with the Corps.

5. PLANNING AND ZONING –

- a. The minutes of the September 23, 2005 Planning and Zoning Commission/Board of Adjustment Regular Meeting and Public Hearing were included for Council information.
- b. The minutes of the October 5, 2005 Planning and Zoning Commission Special Meeting were included for Council information.
- c. The October 2005 Permit Summary reflected 61 permits being issued in October for a total month valuation of \$6,319,190. This total includes \$2.2 million in valuation for the new hotel, Whitefish Lodge and Suites. In November, the valuation will include \$1.8 million in valuation for the Pine Peaks Retail Center and Hotel.
- d. A copy of a letter sent to Dean Eggena of Crosslake Construction Demolition Landfill, Inc. on October 14, 2005 from Clean Water Action Alliance informed the owner that in accordance with Minnesota Rules Chapter 4410, the purpose of this letter is to notify Mr. Eggena that a citizen's petition has been filed to require that an EAW or EIS be undertaken. This information was included for Council information.
- e. A letter dated October 10, 2005 from Matthew Mallie informed the Council that he would be interested in prosecuting city ordinance violations at an hourly rate of \$125 per hour. No action was taken in regards to this letter.
- f. A letter dated November 4, 2005 from City Attorney Paul Sandelin to Mark Rossow of the League of Minnesota Cities included a copy of a Summons and Complaint served upon the City by Neil McEwen and Maxine McEwen. The McEwen's have retained the services of Attorney John Erickson to challenge the rezoning of property for Gilroy G. Arvig, as Trustee of the Raymond C. Gould Family Trust from R1 to LC in Section 29 within the City currently being proposed for use for an assisted living facility.
- g. A letter dated November 8, 2005 from the League of Minnesota Cities indicates their acknowledgement of the lawsuit and advised the City of their

intent to act as the City's defense in this case. Councilmember Eggena asked City Attorney Adams whether the City could still issue the permit if the judge determines the City erred in this action. Attorney Adams stated that the City could still issue the permit with the larger lot requirement. Community Development Director Anderson stated that he has spoken with the developer and it is their intent to submit a CUP application for the December meeting.

- h. Recommendation for Acceptance of Duckwood Trail in the Plat of Duckwood – City Engineer Dave Reese has inspected Duckwood Trail and recommends acceptance of this road by the City. MOTION 11R-14-05 WAS MADE BY TERRY CURTIS AND SECONDED BY DICK PHILLIPS TO ACCEPT DUCKWOOD TRAIL IN THE PLAT OF DUCKWOOD AS A CITY ROAD. MOTION CARRIED WITH ALL AYES.
- i. Memo dated November 7, 2005 from Ken Anderson regarding OHW establishment of Rock Lake – At the October 10, 2005 Meeting, the Council requested that Staff inquire with the DNR if the investigations performed by the DNR to establish an Ordinary High Water elevation on Rock Lake also established a Base Flood Elevation and a Regulatory Flood Protection Elevation. In speaking with Joe Ashwald of the DNR, Anderson was informed that the field survey performed by the DNR does not establish the base flood elevation only the OHW. Since the City's Ordinance requires an elevation 3 feet higher than the OHW, an engineer would have to be hired to determine historic trends of water level. This work is normally done by private parties and private engineers. Council approval to set the OHW for Rock Lake at 1234.3 feet above sea level in accordance with the DNR investigation was requested. Councilmember Phillips asked why the Council had to approve something that the DNR survey crew has already determined and it was noted that it is required under Statute. MOTION 11R-15-05 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY DEAN SWANSON TO ADOPT THE ORDINARY HIGH WATER ELEVATION FOR ROCK LAKE, A NATURAL ENVIRONMENT LAKE, AT 1234.3 FEET ABOVE SEA LEVEL AS DETERMINED BY THE DNR. MOTION CARRIED 4-1 WITH COUNCILMEMBER PHILLIPS OPPOSED.

Ken Anderson stated that Mayor Andolshek invited Jon Henke and himself to speak at a luncheon sponsored by the Brainerd Lakes Area Chamber of Commerce at the Community Center. The meeting which was attended by approximately 50 business owners was an opportunity to present an update on the growth taking place within the City. The following day, Lakeland TV was at City Hall and Anderson did an interview for them also. Anderson stated that at the Planning and Zoning Commission Meeting to be held on December 16th, the Commission will review the PUD section of the Ordinance. Anyone interested should comment verbally or in writing. A recommendation will be brought to the

City Council in December. Councilmember Phillips stated that decisions made at the Planning and Zoning Commission level are unknown to the general public and he recommended that the Planning and Zoning Commission Meetings be televised. Councilmember Eggena did not support this and stated that he would like to speak to the Commission Members before taking any action on televising. Councilmember Curtis stated that the public would still not be aware of the over the counter permits, only those issues requiring Commission action. Councilmember Swanson agreed with Curtis that televising would help for the major items requiring Commission approval but would not help with the over the counter permits. Councilmember Curtis emphasized that the Commission needs input from the public in regards to changes to the PUD section of the ordinance. Currently there is a moratorium on PUD's on the lake, but this moratorium will expire at the end of the year.

6. CROSSLAKE COMMUNICATIONS –

- a. The minutes of the October 25, 2005 Advisory Board Regular Meeting Minutes were included for Council information.
- b. The Digital TV Report was included for Council information.
- c. In the absence of General Manager Leaser, Operations Manager Jared Johnson presented the Highlights Report for October. The first Fiber Customer was cut over on October 18th. The majority of this year's FTTH construction customers will be cutover before the 2006 construction season starts. For 2006, the Company is looking at completing County Road 103 and then proceeding up West Shore Drive and County Road 16 to County Road 66. The RUS Loan is still in the legal process. The Internet group has completed the cutover of Emily and C-I Telephone Companies customers to Crosslake Internet Service. Cable TV Programming negotiations for 2006 are beginning. Many of the previously no charge channels will be charging for their service. This could result in some of the local channels going dark after January 1, 2006. The Informational Seminars will begin in January and the new schedule is in the Crosstalk which will be included in the December bills. Around 15 to 20 people attend each seminar. Negotiations with IBEW are underway and the next meeting will be held on November 16th.
- d. Crosslake Communication's Bills for Approval – MOTION 11R-16-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$474,348.00. MOTION CARRIED WITH ALL AYES.

Councilmember Phillips asked why Channel 12 was stuck on one screen over the past weekend and Johnson stated that Staff is

working with the manufacturer to correct some problems with the software that runs the programming.

7. PERSONNEL - A memo dated October 14, 2005 from the Personnel Committee recommended that a step increase to Step 6 be given to Officer Bobby Willard effective November 1, 2005 based on his meeting the residency requirement. MOTION 11R-17-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY TERRY CURTIS TO APPROVE A STEP INCREASE FROM STEP 5 TO STEP 6 FOR OFFICER BOBBY WILLARD EFFECTIVE NOVEMBER 1, 2005 BASED ON HIS MEETING THE RESIDENCY REQUIREMENT. MOTION CARRIED WITH ALL AYES.

8. RECYCLING – A total of 21.17 tons of recyclables were collected in October bringing the year-to-date tonnage to 187.8135 tons.

9. ECONOMIC DEVELOPMENT AUTHORITY – The minutes of the September 7, 2005 meeting were included for Council information.

H. OLD BUSINESS – None

I. NEW BUSINESS -Councilmember Phillips asked about the RV parking signs located along Pioneer Drive in the area of Ace Hardware. Ted Strand will check on these signs that are situated in the right-of-way.

Councilmember Eggena stated that Kent Carlson, owner of the island on Cross Lake where the fireworks have been shot off, contacted him requesting that the City pay \$2,000 to use the islands for this event. Councilmember Eggena stated that he would not be agreeable with paying for use and suggested that the Councilmembers come up with some possible alternate locations. Eggena stated that the Corps property could be a possible site but suggested that the Council review other possibilities before the next meeting. Councilmember Swanson stated that he didn't feel the City should pay anything for use of the island. Councilmember Phillips agreed with Swanson.

J. PUBLIC FORUM – None

K. ADJOURN – MOTION 11R-18-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN SWANSON TO ADJOURN THIS REGULAR MEETING AT 10:10 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and respectfully submitted by,



Darlene J. Roach
Clerk/Treasurer

BILLS FOR APPROVAL
14-Nov-05

VENDORS	DEPT	AMOUNT
Abra True Value, spray paint	PW	4.04
Abra True Value, sod staples	Playground	63.73
Abra True Value, woven fabric, belton ground	Playground	198.29
Ace Hardware, elbows	PW	5.38
Ace Hardware, elbows and pvc pipe	PW	30.18
Ace Hardware, batteries	P&R	23.37
Ace Hardware, u-bolt	P&R	1.89
Ace Hardware, general hardware	PW	22.20
Ace Hardware, level, bulbs, bolts	PW	36.05
Ace Hardware, general hardware	P&R	6.69
Ace Hardware, wire	PW	3.69
Ace Hardware, general hardware	PW	7.60
Ace Industrial Supply, plumber holes kit, tool bag	Sewer	163.05
Ameripride, mats, paper towels	PW	157.77
AW Research, water test	Sewer	118.80
AW Research, water test	Sewer	213.30
BLADC, annual meeting	Council	15.00
Blue Lakes Disposal, trash removal	ALL	256.55
Business Forms & Accounting, checks	Admin	156.11
California Contractor Supplies, cable ties	PW	149.40
Channel Liquors, reimburse for connecting electric to new well	Sewer	150.90
City of Crosslake, sewer utility bills	PW/Gov't	90.00
Council #65, union dues	ALL	288.00
Country Works, tickets and flyers for library	Library	66.62
Crosslake Communications, phone, fax, internet, cable	ALL	1,303.15
Crosslake Construction Demolition Debris Facility, sand	PW	6,765.42
Crosslake Portable Welding, valve keys	Sewer	270.00
Crosslake Portable Welding, lift station vent	Sewer	220.00
Crosslake Portable Welding, valve key	Sewer	165.00
Crosslake Roll-Off Services, recycling	Gov't	2,450.00
Crow Wing County Hwy Dept., august fuel	ALL	2,672.90
Crow Wing County Hwy Dept., september fuel	ALL	3,174.06
Crow Wing County Treasurer, e911 addresses	Gov't	150.00
Crow Wing County Treasurer, e911 addresses	Gov't	150.00
Crow Wing Power, electric service	ALL	3,457.24
Culligan, water and cooler rental	PW/Gov't	58.17
Dacotah Paper, paper cups	PW/Gov't	50.35
Dacotah Paper, urinal block	Gov't	34.12
Dean Swanson, reimburse mileage	Council	48.50
Deferred Comp	ALL	226.92
Delta Dental, dental insurance	ALL	1,358.80
Donna Keiffer, aerobics instruction	P&R	242.44
Earthchem Inc, snow melt	PW	191.38
East Side Oil, filters	PW	91.00
Echo Publishing, meeting notice of 10-28	P&Z	48.38

Echo Publishing, ordinance 212	Gov't	77.40
Echo Publishing, ordinance 213	P&Z	25.80
EleMech, baclight for color terminal	Sewer	136.47
Eric Swanson, reimburse travel expenses	Police	18.36
Esmet Inc, roll bar mounting kit	Police	26.00
Fabcon, patching of chipped pieces caused by a dumpster	PW	400.00
Fire Instruction & Rescue, fire fighter one class	Fire	1,100.00
Foreman Fire Service & Repair, pumper recertification testing	Fire	932.00
Fortis, disability	ALL	262.00
Global Equipment, pallet jack	PW	334.00
Hach, re-seated eeprom chip	PW	151.30
Hawkins Water Treatment, aqua hawk, aluminum sulfate	Sewer	829.64
Holiday Station, fuel	PW	13.00
Honey Wagon, pump and clean manhole	Sewer	265.00
Houston Ford, oil change, rotate tires	Police	44.18
Ikon, fax toner	P&Z/Admin	234.29
Jay Andolshek, reimburse travel expenses	Council	203.97
Jerry Ruppelius, assist assembly of playground	P&R	200.00
Johnson Candy, halloween party supplies	P&R	144.80
Johnson Killen & Seiler, personnel matters	Gov't	74.00
Jon Henke, reimburse petty cash	P&R	91.27
Jon Henke, reimburse mileage	P&R	24.25
Keith Anderson, reimburse travel expenses	Fire	179.81
Lakes Area Rental, bobcat rental	P&R	303.53
Lakes Area Rental, fuel	PW	29.29
Lakes Area Rental, bobcat rental	P&R	106.50
Lakes Printing, newsletter	Admin	287.12
Law Enforcement Technology, license, annual maintenance	Police	543.15
Little Falls Machine, mushroom shoe, bolt, nut, assembly	PW	582.61
Makit Drafting Service, city road maps	Gov't	706.87
Martin Communications, repair volume knob	Fire	91.31
Martin Communications, battery	Fire	109.65
Mastercard, Breezy Point Resort, lodging	P&R	53.25
Mastercard, Fleet Farm, weld wire, storage bags	P&R	98.89
Mastercard, Office Max, stool/chair	P&Z	266.24
Mastercard, Oriental Trading, halloween party supplies	P&R	30.80
Mastercard, Raffertys, sentence to serve	P&R	21.29
Mastercard, Valvoline, oil change, injector cleaner	PW	41.90
Mastercard, Walmart, halloween party supplies	P&R	245.66
MCS Janitorial Services, october cleaning	Gov't	777.45
Medica, health insurance	ALL	15,231.79
Medtox, drug of abuse screen	PW	61.80
Menards, driveway markers, flags, batteries	PW	91.27
Menards, covebase and adhesive	Gov't	33.17
Mills Motors, mount and balance 1 tire	Police	166.68
MN Benefits	Admin	100.92
MN Life, life insurance	ALL	420.90
MN State Fire Dept Assn, membership dues	Fire	90.00
MN Telecom Alliance, safety program dues	Gov't	1,390.00
MN/WI Playground, geotextile fabric, wood fiber	P&R	7,880.00
MN/WI Playground, play structure	P&R	49,980.00

ADDITIONAL BILLS FOR APPROVAL
14-Nov-05

VENDOR	DEPT	AMOUNT
AW Research, water testing	Sewer	213.30
BLADC, second payment 2005 contract	Gov't	875.00
Blue Lakes Disposal, trash removal	ALL	258.02
Crow Wing Power, electric service	ALL	1,435.95
Donna Keifer, aerobics	P&R	264.48
Echo Publishing, regular meeting notice of 11-18	P&Z	51.60
Echo Publishing, letterhead and envelopes	Library	123.36
Ehlers & Assoc, tif reporting	Gov't	1,650.00
Fairfield Township, reimburse greer lk rd expenses	PW	230.65
Mastercard, Fleet Farm, wiring	P&R	47.87
Mastercard, Office Max, blade, rubber cement	Gov't	15.84
Menards, temselect, wood	P&R	124.75
MN Fall Maintenance Expo, amsden, strand	PW	50.00
Quill, batteries, folders, sealer, pencils	Gov't	27.29
Reeds, sentence to serve	P&R	36.32
Teri Jo Flynn-Gammon, reimburse for gts class	P&Z	30.00
Terry Kinkaid, reimburse uniform allowance	P&R	250.00
UCT, dvd burner	Gov't	414.17
TOTAL		6,098.60

RESOLUTION NO. 05-24

CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION ESTABLISHING ELECTED OFFICIAL OUT-OF-STATE TRAVEL
POLICY

BE IT RESOLVED; that the City of Crosslake recognizes that its elected officials may at times receive value from traveling out of the state for workshops, conferences, events and other assignments. This policy sets forth the conditions under which out-of-state travel will be reimbursed by the City.

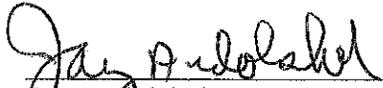
General Guidelines:

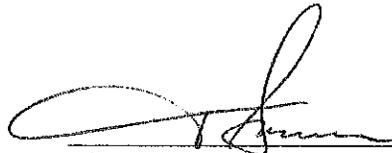
1. The event, workshop, conference or assignment must be approved in advance by the City Council at an open meeting and must include an estimate of the cost of the travel. In evaluating the out-of-state travel request, the Council will consider the following:
 - Whether the elected official will be receiving training on issues relevant to the City or to his or her role as the Mayor or as a Council Member;
 - Whether the elected official will be meeting and networking with other elected officials from around the country to exchange ideas on topics of relevance to the City or on the official roles of local elected officials.
 - Whether the elected official will be viewing a City facility or function that is similar in nature to one that is currently operating, or under consideration by the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full Council.
 - Whether the elected official has been specifically assigned by the Council to visit another city for the purpose of establishing a goodwill relationship such as a "sister-city" relationship.
 - Whether the elected official has been specifically assigned by the Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City.
 - Whether the City has sufficient funding available in the budget to pay the cost of the trip.
2. No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.

3. The City may make payments in advance for airfare, lodging and registration if specifically approved by the Council. Otherwise all payments will be made as reimbursements to the elected official.
4. Airfare will be reimbursed at the coach rate.
5. Mileage will be reimbursed at the IRS rate. If two or more Council Members travel together by car, only the driver will receive reimbursement. The City will reimburse for the cost of renting an automobile if necessary to conduct City business.
6. Lodging and meal costs are limited to those which are reasonable and necessary.
7. Receipts are required for lodging, airfare, and meals and should accompany an expense report form. It is not necessary to have receipts for cabs and tips. The expense report form shall be submitted to the City Clerk for payment.
8. The City will not reimburse for alcoholic beverages, personal telephone calls, costs associated with the attendance of a family member, rental of luxury vehicles, meal expenses included in the cost of registration, or recreational expenses such as golf or tennis.

BE IT FURTHER RESOLVED; that the elected official out-of-state travel policy shall also be utilized for City Council appointed commission, board and/or committee members traveling out-of-state.

Adopted this 14th of November 2005.


Jay Andolshek
Mayor


Thomas N. Swenson
City Administrator

**RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA
RESOLUTION NO. 05-25**

WHEREAS, the City of Crosslake has received a Petition to improve the roads commonly known as Pine View Lane, Brita Lane and Shafer Road (hereafter referred to as "the Property") all of which are located within the Plat of Johnson's Pine View; and

WHEREAS, the City of Crosslake has reviewed the title to the aforementioned Property and has determined that the fee ownership of the Property remains in the names of the original fee owner and developer of the Plat of Johnson's Pine View being Ronald W. Johnson, Betty L. Johnson, Albert M. Kelley and Fritzie T. Kelley; and

WHEREAS, the City of Crosslake has made reasonable efforts to locate and/or contact the fee owners of the Property and have been unable to do so; and

WHEREAS, the City of Crosslake is currently undertaking other road improvement projects in the area, and the contractors hired to perform such road improvement projects are ready and willing to proceed with the road improvements for Pine View Lane, Brita Lane and Shafer Road at this time; and

WHEREAS, the City of Crosslake has deemed it necessary to proceed with a condemnation action to acquire the necessary permanent easement over, under and across the Property as identified on the attached **Exhibit A**; and

WHEREAS, the City of Crosslake deems it necessary to proceed with a "quick take" condemnation pursuant to Minnesota Statute Section 117.042, so that the City of Crosslake can acquire possession of the permanent easement prior to the filing of an Award of Commissioners, so that the road improvement project can, if possible, be undertaken while the road improvement contractors are present and performing other road improvement projects in the area of the Property; and

WHEREAS, it is necessary for the City of Crosslake to condemn certain property in order for the improvements to be constructed; and

WHEREAS, the City of Crosslake has the authority to acquire right of way for said road by eminent domain pursuant to Minn. Stat. §412.211; and

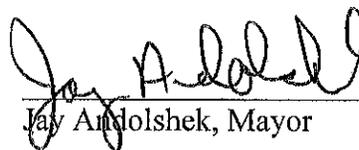
WHEREAS, the City of Crosslake has the right to acquire the property prior to the filing of an Award by the Court Appointed Commissioners, pursuant to Minn. Stat. §§117.011 and 117.042; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Crosslake hereby authorizes the condemnation/acquisition of the Property as identified on

the attached **Exhibit A** by eminent domain and to condemn/acquire said property prior to the filing of an Award by the Court Appointed Commissioners (“quick take”), pursuant to Minn. Stat. §§412.211, 117.011, and 117.042; and

BE IT FURTHER RESOLVED, that the City Attorney for the City of Crosslake is requested to file the necessary petition therefore, and to prosecute such action to a successful conclusion or until it is abandoned, dismissed, or terminated by the City or by the Court.

Passed by the City Council this 14th day of November, 2005, by a 5/5ths vote of said City Council.



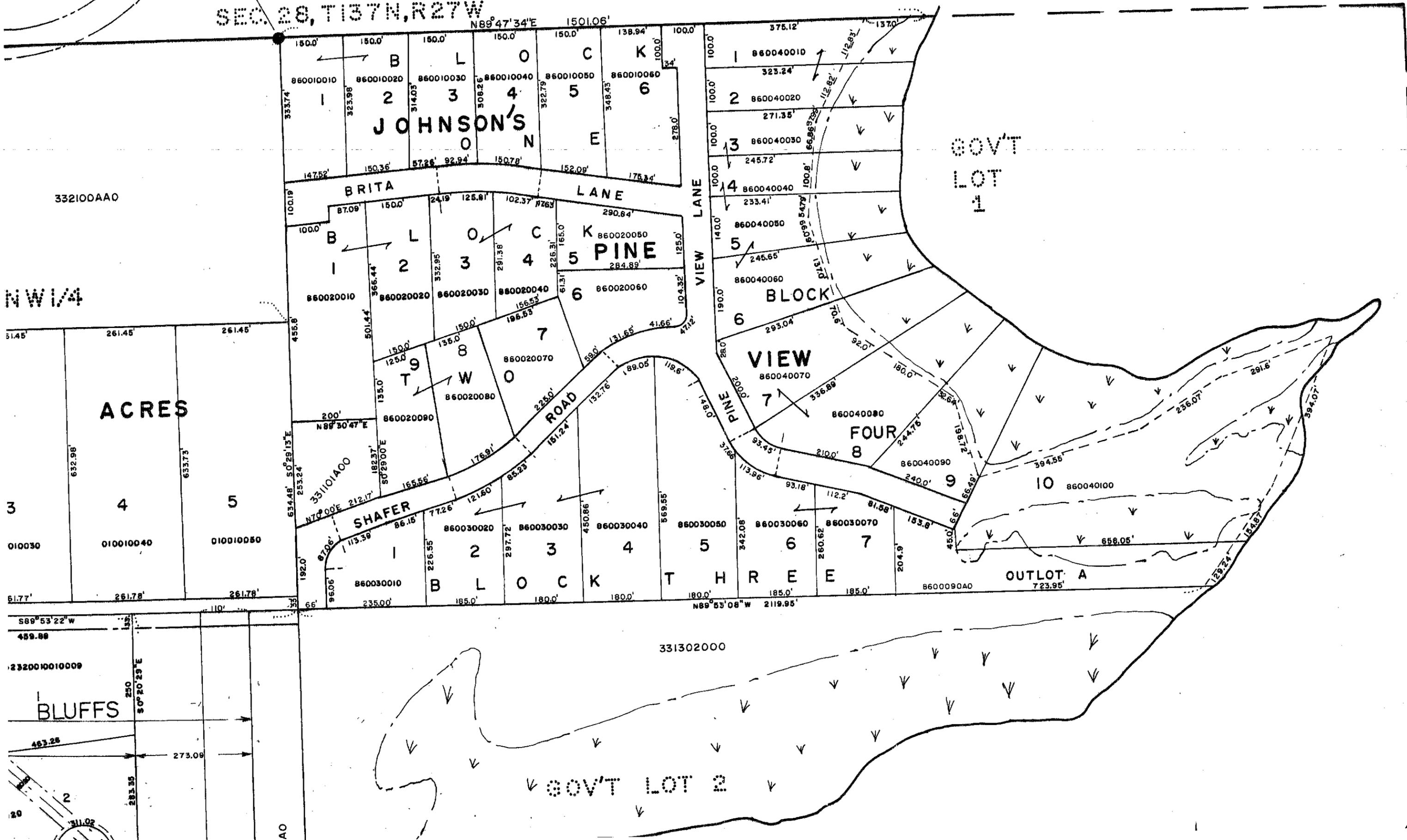
Jay Amolshek, Mayor



Thomas N. Swenson
City Administrator

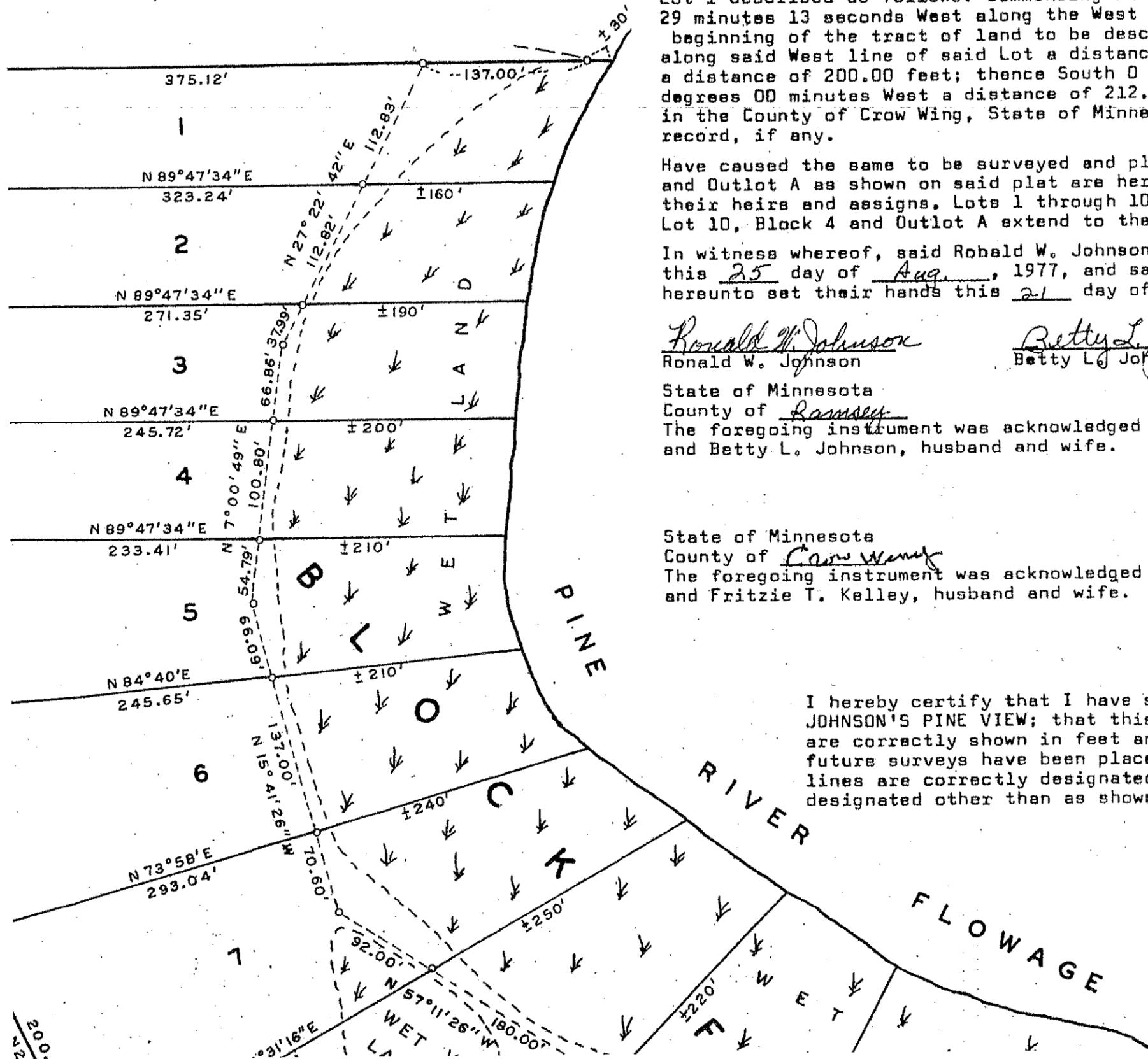
EXHIBIT A

SEC. 28, T137N, R27W



VIEW

EXHIBIT A



KNOW ALL MEN BY THESE PRESENTS: That Ronald W. Johnson and Betty L. Johnson, husband and wife, are the owners and proprietors of the North 333.74 feet of Government Lot 1, Section 33, Township 137, Range 27, and Albert M. Kelley and Fritzie T. Kelley, husband and wife, are the owners and proprietors, and Ronald W. Johnson and Betty L. Johnson, husband and wife, are the contract purchasers of that part of Government Lot 1, Section 33, Township 137, Range 27, lying South of the North 333.74 feet thereof, excepting that part of said Government Lot 1 described as follows: Commencing at the Southwest corner of said Government Lot 1; thence North 0 degrees 29 minutes 13 seconds West along the West line of said Lot a distance of 192.00 feet to the actual point of beginning of the tract of land to be described; thence continuing North 0 degrees 13 minutes 29 seconds West along said West line of said Lot a distance of 253.24 feet; thence North 89 degrees 30 minutes 47 seconds East a distance of 200.00 feet; thence South 0 degrees 29 minutes East a distance of 182.37 feet; thence South 70 degrees 00 minutes West a distance of 212.17 feet, more or less, to the actual point of beginning, all situate in the County of Crow Wing, State of Minnesota, and subject to restrictions, reservations and easements of record, if any.

Have caused the same to be surveyed and platted as JOHNSON'S PINE VIEW. Shafer Road, Pine View Lane, ^{Brita} ~~North~~ Lane and Outlot A as shown on said plat are hereby dedicated for the use of the owners of the lots in said plat, their heirs and assigns. Lots 1 through 10, Block 4 extend to the waters edge of the Pine River Flowage, and Lot 10, Block 4 and Outlot A extend to the waters edge of Big Pine Lake.

In witness whereof, said Ronald W. Johnson and Betty L. Johnson, husband and wife have hereunto set their hands this 25 day of Aug., 1977, and said Albert M. Kelley and Fritzie T. Kelley, husband and wife, have hereunto set their hands this 21 day of Aug., 1977.

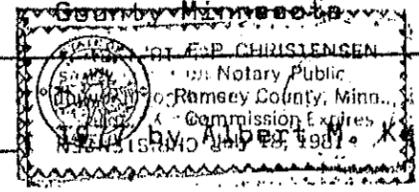
Ronald W. Johnson Betty L. Johnson Albert M. Kelley Fritzie T. Kelley
 Ronald W. Johnson Betty L. Johnson Albert M. Kelley Fritzie T. Kelley

State of Minnesota
 County of Ramsey
 The foregoing instrument was acknowledged before me this 25 day of Aug., 1977 by Ronald W. Johnson and Betty L. Johnson, husband and wife.

E. P. Christensen
 Notary Public,
 My Commission Expires _____

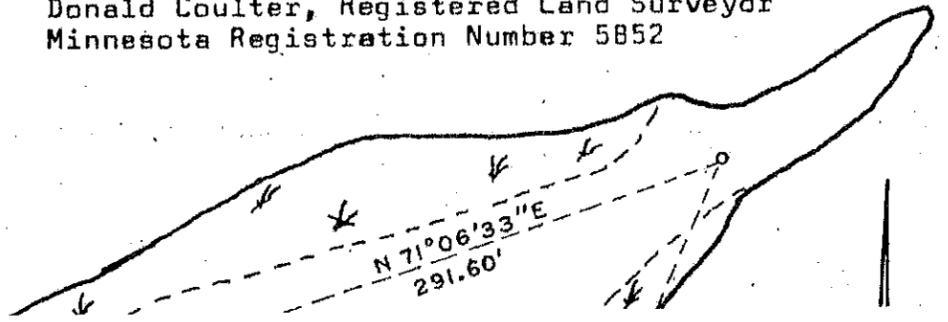
State of Minnesota
 County of Crow Wing
 The foregoing instrument was acknowledged before me this 21 day of Aug. and Fritzie T. Kelley, husband and wife.

Robert F. ...
 Notary Public,
 My Commission Expires _____



I hereby certify that I have surveyed and platted the property described on this plat as JOHNSON'S PINE VIEW; that this plat is a correct representation of said survey; that all distances are correctly shown in feet and hundredths of a foot; that the monuments for the guidance of future surveys have been placed in the ground as shown on said plat; that the outside boundary lines are correctly designated, and that there are no wet lands or public highways to be designated other than as shown thereon.

Donald Coulter
 Donald Coulter, Registered Land Surveyor
 Minnesota Registration Number 5852



RESOLUTION NO. 05-26

CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION REGARDING UNPAID SEWER CHARGES

WHEREAS, Minnesota Statute Section 444.075 subd. 3 provides that municipalities may make the charges for connection to sewer facilities and the use charges for such sewer facilities a charge against the owner, lessee, occupant of the property, and may provide a covenant for certifying unpaid charges to the County Auditor with taxes against the property served for collection as other taxes are collected; and

WHEREAS, the City of Crosslake City Code, Section 11.56 and 11.70 provides that each and every sewer service charge levied by and pursuant to this Chapter is hereby made a lien upon the lot or premises served, and all such charges which are on October 15th of each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate; and

WHEREAS, as of October 15, 2005, the following sewer charges were past due and delinquent:

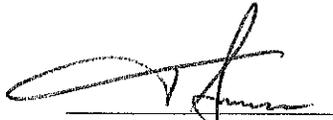
<u>TAX PAYER NAME</u>	<u>REAL ESTATE CODE</u>	<u>AMOUNT</u>
Golden Rule Estates Owners Assn	141370000370009	1029.00
Deloren E Anderson	120163204IA0009	126.00
Deloren E Anderson	120163204I00009	126.00
Deloren & Marilyn Anderson	120212400AHB009	126.00

Total \$1407.00

THEREFORE, BE IT RESOLVED that the City of Crosslake City Council hereby certifies as delinquent the following sewer service charges as of October 15, 2005, as taxes or assessments on the real estate identified above:

Adopted by the Crosslake City Council this 14th of November 2005.


Jay Andolshek
Mayor


Thomas N. Swenson
City Administrator