

SPECIAL COUNCIL MEETING  
CITY OF CROSSLAKE  
TUESDAY, NOVEMBER 29, 2005  
3:00 P.M. – CITY HALL

Pursuant to call by two members of the City Council, the Council met in a Special Session on Tuesday, November 29, 2005 at 3:00 P.M. at City Hall. The following Councilmember's 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, Park and Recreation Director Jon Henke, Public Works Director Ted Strand, Police Chief Bob Hartman, Clerk/Treasurer Darlene Roach, City Engineer Mark Hallan, Public Works Employee Jim Ritter, Renee Richardson of the Brainerd Dispatch and Betty Ryan of the Lake Country Echo. There were approximately 31 other individuals in the audience.

1. Call to Order – Mayor Andolshek called the special meeting to order at 3:00 P.M. and stated that the purpose of the meeting was to review the draft response to the November 4, 2005 letter of warning from the MPCA as discussed at the Special Council Meeting of November 18<sup>th</sup>. Also included in the packet was a letter to Kim Christensen of KHC Construction from City Engineer Mark Hallan regarding the continuing sand filter problems at the Wastewater Treatment Facility.

A letter to Mayor Andolshek from Bruce Boldon, Chief, Operations Division of the U.S. Army Corps of Engineers outlined their understanding of a conversation they had with Mayor Andolshek and City Staff recently regarding hook up to the Sanitary Sewer System. City Administrator Swenson stated that the letter to the MPCA could be amended to include information regarding the Corps' intent to connect to the sewer system. Councilmember Swanson asked if a motion was needed on the letter to the MPCA and Mayor Andolshek stated that it would if we wanted to include correspondence pertaining to the Corps in the letter. Councilmember Eggena asked if we need a timeframe in the letter as to when the filters will be fixed. City Engineer Mark Hallan stated that the City would need a fix by the time the Corps of Engineers hooks up or no later than opening fishing season. Mayor Andolshek felt it would be prudent to add a timeframe so the MPCA is aware. Public Works Director Ted Strand advised the Council that any modifications to the plant would require approval by the MPCA. Councilmember Curtis asked if the letter was a letter of intent or a recap of a conversation they had with the City and do we need an attorney to review the hook up fee issue that the Corps has. Councilmember Phillips stated that he wouldn't mention anything to the MPCA regarding the Corps until everything is firm. City Administrator Swenson stated that the last paragraph on page 2 states "Since you indicated that the City's ordinance calls for an increase for hookup fees on January 1, 2006, it is imperative that we conclude all negotiations prior to that time." which appears to be an intent to connect to the municipal system. Councilmember Curtis asked if their connection would require an ordinance change. City Administrator Swenson stated that the Council could direct the City Attorney to draft an ordinance amendment if one is needed. Mayor Andolshek noted that the Corps is agreeable to paying \$120,000 in connection fees and the monthly user fees. Councilmember

Curtis stated he would be concerned with changing an ordinance after the request comes in. Councilmember Eggena stated that the only change appears to be the addition of the word "government" but the City Attorney could review the language. Eggena stated that the government doesn't feel they should be designated as a commercial unit like the current ordinance treats them. Councilmember Phillips stated that if they agree to pay the \$120,000 we can work out the details. Mayor Andolshek stated that it was very clear to him in their meeting that it is only wording that is a problem and that they have the money now to pay the connection fees which they may not have next year. Councilmember Eggena stated that we could send a letter of intent back to the Corps but feels it is great that the Corps is hooking up since they are having problems with their plant. MOTION 11S2-01-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO AUTHORIZE THE CITY ATTORNEY DRAFTING AN ORDINANCE AMENDMENT AND THE CITY ENGINEER TO BEGIN WORKING ON COST ESTIMATES FOR NEGOTIATIONS WITH THE CORPS. Councilmember Eggena proposed sending a letter of intent in case the lift station costs come in higher than expected and they want out. City Administrator Swenson stated that if a draft ordinance amendment is available for the Council on December 12<sup>th</sup>, a meeting could be held with the Corps and a draft letter of understanding prepared. Councilmember Phillips stated that he doesn't want to see any City funds expended on this project. MOTION CARRIED WITH ALL AYES. Regarding the draft letter to the Corps, City Engineer Mark Hallan suggested that a separate letter be sent to the MPCA if the Corps connects. This letter should be sent to Brian Fitzpatrick at the MPCA. Councilmember Eggena stated that he would like the April 15<sup>th</sup> deadline date added to the response letter to the MPCA. MOTION 11S2-02-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE DRAFT LETTER TO THE MPCA AS PROPOSED WITH THE ADDITION OF APRIL 15, 2006 AS THE DEADLINE FOR CORRECTION TO THE SAND FILTER PROBLEM. MOTION CARRIED WITH ALL AYES.

City Engineer Mark Hallan stated that he sent blind carbon copies of the letter sent to KHC Construction to two other manufacturing firms hoping for some input from them. Councilmember Eggena asked Hallan what he thinks is wrong with the filters and Hallan stated that the filters are not turning over but are accumulating sand and when these big hunks break loose are creating problems. Eggena asked if the manufacturer has been on site to observe the problem and Hallan stated that they have been on site. When the sand media was replaced, everything was pulled apart and looked at for any potential problems. Hallan stated that he's not sure what the problem is but it could be the result of low flow or any other number of things.

2. Discussion of timely Notification to City Council of Outstanding Issues – Councilmember Eggena stated that the Council is meeting today to discuss filter problems, the MPCA letter of warning and other items which he feels the Council did not get notified of at the onset of the problems and he stated that he would like to talk about the chain of command. Public Works Director Ted Strand stated that he receives information from the lab, prepares the data on a DMR sheet, obtains either the Mayor or City Administrator's signature and submits the report to the

MPCA by the 25<sup>th</sup> of each month. Strand stated that in his 18 years of doing these reports, he has never had a Council ask for this information. Eggena asked Strand if he would know if there was a violation based on the lab results and Strand stated that he would. Eggena then asked Strand if he made the City Administrator aware of the violation and Strand stated that he did tell City Administrator Swenson that there was an effluent problem, but did not use the word violation. Strand stated that he could provide the Council with copies of the DMR sheets if they wanted them. Councilmember Curtis stated that it isn't so much his wanting to read the test results, but that violations occurred eight different times and a red flag should have been raised at a Council Meeting or by notice to residents that there is a problem. Curtis stated that maybe Staff needed to get straight to the point and say there's a problem at the plant, we have a violation, to me that's communication.

Councilmember Swanson stated that he's struggling with how to approach this issue. Swanson stated that there were violations, Ted Strand corrected the problems which caused the violations, he was working with the MPCA during the process and vice versa. Mr. Blasing, of the MPCA, wasn't that concerned when he was at the November 18<sup>th</sup> meeting, so why are we making such a big issue out of this. Councilmember Swanson paralleled this situation with that of a person speeding. Does a person speeding always get a letter of warning? No, but they could. Swanson stated let's move on. Swanson stated that the City had a Public Works Commission until this Council dissolved it. The Commission would discuss and work on these very types of issues. They would then bring recommendations to the Council by way of the Council liaison and the liaison would keep the rest of the Council informed. This is the step that is now missing. Staff needs these commissions to bounce ideas off of. Mayor Andolshek agreed that Strand needs the Commission, which consists of five individuals, with different area of expertise, plus the City Administrator and the City Engineer to talk these problems over with. The Mayor stated that he has asked that Staff keep their reports short in an effort to shorten the meeting and other Councilmembers have suggested that some department heads eliminate their reports, so it has been at Council direction to keep reports short which has resulted in mixed messages to the Staff.

Councilmember Eggena asked City Administrator Swenson if he reviews the reports and Swenson stated that Ted Strand prepares the report and he signs it as a formality. Swenson stated that 94% of the mechanical plants in the State have problems so when Strand stated there were effluent problems, he was not surprised. Eggena asked how many violations it would take before Swenson became alarmed and Swenson asked Eggena if he was trying to trap him into something. Mayor Andolshek took control of the meeting and Swenson stated that he was not saying it was acceptable to have violations, only that all plants do have violations. Councilmember Eggena stated that Mr. Blasing stated that he wasn't getting satisfaction from Staff in correcting the problem and that the powers to be just weren't moving. It was noted that there are several people involved in the problems, the company providing the filters, the City Engineer and Staff.

City Administrator Swenson stated that he wanted it known that he is not saying that effluent violations are acceptable but that Staff is trying to meet limits. Swenson stated that someone could put something down the sewer line and there could be an effluent violation. Mayor Andolshek stated that Councilmember Eggena may have spoken to Mr. Blasing, but when Mr. Blasing was here, he stated the city's violations were a minor problem. Councilmember Swanson stated that it sounds like Councilmember Eggena is out after someone's hide and I don't think it's fair. Staff is trying to do the best they can. If this meeting is to change Staff structure, I see no need for it. I was here before the City Administrator was hired and it was terrible. Now we have continuity. There is a hidden agenda lurking here and I hope it comes out. Councilmember Phillips stated that he came to the meeting to review various items, but what happened has happened and he would like to see the Council move on. The sewer plant is the biggest debt we have and the City's major facility. We need to see that it runs the best it can. Councilmember Curtis concurred with Phillips. He stated that he doesn't know what other city's do, but for the citizens, we shouldn't downplay. We need communication and we need to bring these issues to the Council's attention. Is it a big deal if we are polluting. I think it is only fair that we take it seriously. You can always be moved to the top of the agenda. Curtis stated that he is looking for efficiencies, but let's not go backwards. Curtis stated that we had a line up of defenders for Tom Swenson at a previous meeting and he is not here to discuss Tom's level of work. I'm tired that every time that you have an issue, it's a hate Tom issue.

Councilmember Eggena stated that the next issue on the agenda is restructuring and the Wastewater Treatment Plant is the most sensitive area. Eggena stated that he's had many calls from residents of Big Pine and Mission Township where people are concerned about the lake. I think Ted Strand should have sole responsibility for the plant. I would like to eliminate the distractions and would like to see a restructuring. Then we have a chance of not having these accidents. Eggena stated that he'd like to see someone else run roads and maintenance. Mayor Andolshek stated that he feels we're more efficient working as a pool of people. Strand has other qualified sewer operators and while he's not opposed to assigning one person to sewer, Andolshek feels if we need to make changes, it would be to reinstate the Public Works Commission because there are some big issues coming down the road in this area. Councilmember Swanson stated that we have three knowledgeable people in Sewer. While Ted's the lead person, we have two other very knowledgeable people. Ted Strand is also knowledgeable on the roads. There are issues in Public Works just as big as in Planning and Zoning and Public Works needs a commission. Councilmember Phillips stated that he has given all of this a lot of thought and he's spoken with Administration, and both the Manager and employees in Public Works and Sewer. Phillips stated that he doesn't see the Commission knowledgeable in sewer. We have 1 ½ people with the correct licensing. We also have someone in the Park Department and Phillips stated that he couldn't come up with a plan except to contract for sewer operation like the Pine River Plant does. Phillips feels that if we could contract for the Sewer operation, the work that is currently not getting done now will get done. Phillips stated that this is the only reasonable solution that he can come up with. Councilmember Curtis stated that he doesn't have the answer in looking at

the information provided. Should we have a Road Division and a Sewer Division. When you think of our growth, there seems to be a need to separate. With two hotels and the Corps coming on line and with the Park needing building and grounds maintenance, maybe that's a wrong category. We've gotten away from the park person being a public works employee. Curtis stated that he doesn't think the Council is going to settle this issue today. Councilmember Eggena stated that contracting for sewer operations would be nice, but exorbitant. Pine River pays well over \$100,000 for their contract operation. Eggena stated if the Mayor likes the pool of people, you still have the same number of people with fewer distractions. Ted Strand is getting distracted by getting calls to send someone to City Hall to change light bulbs. Curtis stated that we hired Ted Strand for public works before we had a sewer plant.

Mayor Andolshek asked for any public comments.

Former Mayor Dave Kolesar of 15740 County Road 36 stated that the Council is carrying this way out of proportion. Swenson and Strand didn't know what the Council wanted. Kolesar stated that he thinks its silly to reorganize and restructure when you haven't told the employees what you want. Now you've let them know what you want. Give them the opportunity to provide you with what you want to see.

Allen Eliason of 35424 Maroda Drive asked Ted Strand a question. Ted, if you directed 100% of your time to running the plant, could you guarantee there would be no problem. Strand stated, no, he could not guarantee that there wouldn't be problems.

Mike Winkels of 35844 Robert Lane stated that he has only lived here three years and does support the Staff. He stated that this City has probably the most experienced Staff he has seen in any of the cities he has lived in. Regarding the new system, which has to report to the MPCA, in his former life, he had to report to the FCC and every time there is a new system there are communication and learning issues. You, as the Council, need to set the guidelines and that is what the Council has done today and in the last meeting and with these guidelines there will be a smoother system and more communication. But, all of this is a learning curve for everyone.

Dick Dietz of Manhattan Drive addressed the Council and stated that it is no secret that he has been critical of the Council on a lot of issues. Dietz handed out a copy of MN Statute 412.661. He stated that this Council gets too involved rather than letting City Staff do what they get paid to do. He stated that he would hope the Council would follow the Statute pertaining to the Council not giving orders to any subordinate of the manager, either publicly or privately. Councilmember Eggena commented that this Statute pertains to the City Manager form of government which this City does not have.

Steve Roe of Whitefish Avenue stated that most of the facts have been stated today and he would like to see the Council put the bite on the City Engineer and make someone responsible for the April 15<sup>th</sup> date.

Mayor Andolshek commented that he respects the former mayor's comments and agrees that Staff does now know what the Council wants to see. Councilmember Curtis stated that he is not saying that Staff is not doing their job, but restructuring is not punishment, but what we can do is make things more efficient. The comments expressed by the audience today shows that they are opposed to restructuring. Councilmember Eggena stated that you have to define efficient. We may be efficient in cost, but he worries about the distractions for Ted. We'll have fewer problems if Ted is not distracted. Ted Strand stated that he spends 35% - 40% of his workweek in the Sewer Plant. Councilmember Curtis stated that he doesn't hold Ted Strand accountable for the blips. Let's just get the word out when there are blips. Councilmember Swanson stated that we've asked for more information from the Staff, let's sit back and see if they provide the information. Let's give the Staff a chance, let's move on. Councilmember Philips commented that we have thrashed the Commission to death. If only 35-40% of Ted's time is dedicated to the plant, that's unacceptable. I'd still like to get a contract price. To leave here today and not do anything is not why I came to this meeting today. City Administrator Swenson stated that when Ted says 35-40% of this time is spent at the plant, the other employees, who operate under his license, are at the plant and with the three operators, there is over 70 years of experience. Councilmember Eggena stated that the last one hired had no sewer experience. Mayor Andolshek stated that we have assigned a date of April 15<sup>th</sup> as the date which the filter problems will be corrected. Let's not act pre-maturely before the problems get corrected. I believe Staff will be paying much more attention and if we need to be funneling calls to another employee we can do so. Councilmember Curtis asked if we could get a cost for contracting and City Administrator Swenson stated that he will obtain quotes. MOTION 11S2-03-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO TABLE RESTRUCTURING TO THE JANUARY REGULAR MEETING. MOTION CARRIED WITH ALL AYES.

MOTION 11S2-04-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO ADJOURN THIS SPECIAL MEETING AT 4:38 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and submitted by,



Darlene J. Roach  
Clerk/Treasurer

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