

REGULAR COUNCIL MEETING  
CITY OF CROSSLAKE  
MONDAY, DECEMBER 8, 1997  
7:00 P.M. - CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, December 8, 1997. The following Councilmembers were present: Mayor Robert Scott, Donna Keiffer, Charles Miller, Raymond Smyth and Richard Upton. Also present was City Administrator Thomas Swenson, City Attorney Paul Sandelin, City Engineer Dave Reese, City Surveyor Don Coulter and Deputy Clerk Darlene Roach. There were seven individuals in the audience.

Mayor Scott called the meeting to order at 7:00 P.M. He thanked everyone for attending and wished everyone Season's Greetings.

**CRITICAL ISSUES -**

Members of the Whitefish Area Lodging Association were present to discuss the issues involved in the Lodging Tax Ordinance. In November, the Council approved a resolution providing for a lodging tax in Crosslake and the City Attorney was instructed to draft an Ordinance for this meeting. Ideal Township was meeting this same date to vote on whether or not they would be in favor of a lodging tax. Dawn Bittner addressed the Council and was asked by Councilmember Smyth what affect Ideal Township's vote would have on Crosslake's Lodging Tax. Ms. Bittner suggested that the Council table the issue until the results of Ideal Township's vote is known.

MOTION 12R-01-97 WAS MADE BY RAY SMYTH AND SECONDED BY RICHARD UPTON TO TABLE THE LODGING TAX ORDINANCE ISSUE TO THE NEXT MEETING WHICH IS SCHEDULED FOR DECEMBER 10, 1997. MOTION CARRIED UNANIMOUSLY.

**CONSENT CALENDAR -**

MOTION 12R-02-97 WAS MADE BY RAY SMYTH AND SECONDED BY RICHARD UPTON TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF NOVEMBER 10, 1997 REGULAR COUNCIL MEETING WITH A CHANGE TO MOTION 11R-22-97. (MOTION 12R-03-97 WAS MADE BY RICHARD UPTON AND SECONDED BY RAY SMYTH TO ALTER THE SUBSTANCE OF THE ORIGINAL MOTION 11R-22-97 TO READ "TO APPROVE HIRING GAMMELLO & SANDELIN P.A. AT A COST NOT TO EXCEED \$2000 TO BE SPLIT 50/50 WITH THE TELEPHONE COMPANY." MOTION CARRIED UNANIMOUSLY). A CORRECTION ON PAGE TWO TO CHANGE BILL SOUTHER TO BOB SOUTHER; (2) MINUTES OF DECEMBER 2, 1997 TRUTH-IN-TAXATION HEARING; (3) TELEPHONE COMPANY FINANCIAL REPORT FOR OCTOBER, 1997; (4) CABLE COMPANY FINANCIAL REPORT FOR OCTOBER, 1997; (5) CITY MONTH END EXPENDITURES FOR OCTOBER, 1997;

AND (6) CITY MONTH END REVENUES FOR OCTOBER, 1997. MOTION CARRIED UNANIMOUSLY.

**CITY ADMINISTRATOR REPORT -**

1. Payment of Bills - MOTION 12R-04-97 WAS MADE BY RICHARD UPTON AND SECONDED BY RAY SMYTH TO APPROVE BILLS FOR PAYMENT IN THE AMOUNTS OF \$28,463.64 AND \$17,590.19. MOTION CARRIED UNANIMOUSLY.

2. 11/17/97 Letter from League of Minnesota Cities and Sample Resolution - MOTION 12R-05-97 WAS MADE BY RAY SMYTH AND SECONDED BY DONNA KEIFFER TO APPROVE THE RESOLUTION SUPPORTING THE MINNESOTA DEPARTMENT OF HEALTH STUDY OF MOBILE HOME PARKS. There was some discussion among the Council regarding such a study since Crosslake doesn't have any problems with their mobile home parks. They inquired whether the issue had been reviewed by the Zoning Administrator and she stated she had not seen the request from the League of Minnesota Cities. MOTION DID NOT PASS.  
MOTION 12R-06-97 WAS MADE BY RAY SMYTH AND SECONDED BY RICHARD UPTON TO TABLE THE ISSUE UNTIL TERI HASTINGS CAN REVIEW THE RESOLUTION AND GIVE A RECOMMENDATION TO THE COUNCIL. MOTION CARRIED UNANIMOUSLY.

3. M&D Development Agreement - The City Attorney stated that he had reviewed the Developer's Agreement which he had received from Mr. McCulloch which included handwritten changes and found the Agreement to be in order. The City Attorney will send a revised agreement to Mr. McCulloch along with a letter requesting the deed and outlining the schedule for reductions in the letter of credit. Before a reduction in the letter of credit is made, the Agreement must be signed by all parties and Mr. McCulloch needs to convey to the City a deed for Outlot A in the plat. The deeding of Outlot A, along with a previous payment, satisfies the park dedication fee to the City.

MOTION 12R-07-97 WAS MADE BY RAY SMYTH AND SECONDED BY RICHARD UPTON THAT WHEN THE DEVELOPERS AGREEMENT IS RECEIVED BACK SIGNED BY THE DEVELOPER AND THE DEED TO OUTLOT A IS GIVEN TO THE CITY, THE LETTER OF CREDIT WILL BE REDUCED. MOTION CARRIED UNANIMOUSLY.

4. M&D Addition Roadway Letter of Credit - City Administrator Tom Swenson stated that it is his understanding that once the agreements are received back, the Engineer will inspect the road and the letter of credit will be reduced down to \$30,000 for work that remains to be done in the Spring. Once this work is completed, the one year warranty period starts and \$10,000 will be retained by the City for a one year period.

5. Wilderness Road Easement - The City Attorney has drafted an easement that will be sent to Mr. and Mrs. Ruhl Boe which will allow the City to bring plows and graders on their property to turn around. The City will maintain the turnaround area, however, this turnaround will not be considered a City maintained road. It was suggested by Public Works Chairman Dean Swanson that verbage be added to the legal description to indicate that the turnaround area is the "existing" roadway. The City Attorney agreed since there is no survey being done where a legal description would be available for this portion of the property.

MOTION 12R-08-97 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO AUTHORIZE SENDING THE DEED TO THE PROPERTY OWNERS FOR SIGNATURE. MOTION CARRIED UNANIMOUSLY.

6. Wilderness Road Right-of-Way Acquisition - The City Attorney stated that once he receives the encumbrance report from the title company and all deeds are updated as needed, payment for the purchase of the right-of-way can be made to the property owners.

7. Tobacco Access Law - Cities have been given the option of turning tobacco licensing authority over to the County.

MOTION 12R-09-97 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO TURN TOBACCO LICENSING AUTHORITY OVER TO CROW WING COUNTY. ALL EXISTING LICENSES WILL BE EXTENDED UNTIL THE NEXT COUNCIL MEETING. Bill Reed commented that he would like to see the law made tougher. He stated that the fines are paid by the person or store owner selling the tobacco to the minor with no liability on the part of the minor or his/her parents. There was some discussion as to whether the City could impose stricter policies than the County.

MOTION DEFEATED WITH ALL OPPOSED

MOTION 12R-10-97 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO EXTEND THE CITY'S CURRENT TOBACCO LICENSES TO THE FEBRUARY MEETING PENDING COUNTY ACTION. MOTION CARRIED UNANIMOUSLY.

8. Release TIF Money - The Council requested a breakdown of the amount due to each developer. The issue will reviewed at the next meeting scheduled for December 10, 1997.

9. Adopt Final Budget and Levy -

MOTION 12R-11-97 WAS MADE BY CHUCK MILLER AND SECONDED BY DONNA KEIFFER TO ADOPT THE 1998 BUDGET INCLUDING REVENUES AND

EXPENDITURES IN THE AMOUNT OF \$1,352,446 AND TO APPROVE THE PROPOSED COLLECTABLE 1998 FINAL LEVY OF \$817,076. MOTION CARRIED UNANIMOUSLY.

10. Carry over of Compensatory Time -  
MOTION 12R-12-97 WAS MADE BY DONNA KEIFFER AND SECONDED BY RICHARD UPTON TO APPROVE DARLENE ROACH CARRYING OVER COMPENSATORY TIME INTO 1998. MOTION CARRIED UNANIMOUSLY.

The following items were provided to the Council for information only:

11. 11/20/97 thank you letter from Brainerd Lakes Area Development Corporation.
12. Letter of December 1, 1997 from Crow Wing County regarding Recycling Committee Meeting.
13. November 13, 1997 LMCIT memo regarding 1997 dividends.
14. November 17, 1997 LMCIT memo regarding municipal tort liability limit increase.
15. November 24, 1997 LMCIT memo regarding changes in property coverage for 1997-1997.
16. November 12, 1997 LMCIT memo regarding property/casualty and Workers Compensation rates.
17. Special joint Council meeting information.

**MAYOR'S REPORT -**

A special Council meeting will be held on Wednesday, December 10<sup>th</sup> with members of the Utilities Commission.

**COMMISSION REPORTS -**

PLANNING AND ZONING - The Commission requested approval on the preliminary plat for "The Ponds" with the stipulation that items 8 - 13 of the Staff report be completed prior to final approval of the plat.

MOTION 12R-13-97 WAS MADE BY RICHARD UPTON AND SECONDED BY CHUCK MILLER TO APPROVE PRELIMINARY PLAT #97-03 "THE PONDS" WITH THE STIPULATION THAT ITEMS 8-13 ON THE STAFF REPORT BE COMPLETED PRIOR TO FINAL APPROVAL. MOTION CARRIED UNANIMOUSLY.

MOTION 12R-14-97 WAS MADE BY RICHARD UTPON AND SECONDED BY RAY SMYTH TO APPROVE PASSAGE OF ORDINANCE 89. THIRD SERIES OF SECTION 8.61 DEALING WITH VIOLATIONS OF THE CITY CODE. MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY - Monthly summary reports from the Police Department, Fire Department and North Ambulance were included in the Council packets.

MOTION 12R-15-97 WAS MADE BY DONNA KEIFFER AND SECONDED BY CHUCK MILLER TO APPROVE THE HIRING OF ERIC JON SWANSON AS FULL TIME POLICE OFFICER. MOTION CARRIED UNANIMOUSLY.

A letter from Virginia Wagner, mother of the person who was missing for several days last summer, was read by Councilmember Keiffer.

MOTION 12R-16-97 WAS MADE BY DONNA KEIFFER AND SECONDED BY RAY SMYTH TO ACCEPT THE MEMORIAL OF \$1000 WITH APPRECIATION AND DEDICATE ITS USE TO THE POLICE DEPARTMENT FOR EQUIPMENT IN MEMORY OF HER DAUGHTER. MOTION CARRIED UNANIMOUSLY.

Dean Swanson reported on the progress of Enhanced 911. A copy of the agreement between Crow Wing County and Geo-Comm Inc. included pricing for Crosslake at a rate of \$5.70 per unit for GPS if the City agrees to utilize Geo-Comm Inc. for these services. This service would provide a house number to each location in the City along with a listing of addresses on diskette. It will take approximately eighteen months to complete the GPS for the County. Dean Swanson commented that signage will be the responsibility of the City and he is working with Zoning Administrator Teri Hastings on developing a Sign Ordinance. There was some discussion among the Council as to what the City was going to get for the money. Mayor Scott was not supportive of going with Geo-Comm Inc. unless additional information was provided to the City as to what would be included. Councilmember Miller felt that if the City didn't go with the County a lot of additional expense would be incurred by the City.

MOTION 12R-17-97 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER THAT CROSSLAKE BECOME PARTY TO THE AGREEMENT BETWEEN CROW WING COUNTY AND GEO-COMM INC. MOTION CARRIED WITH MAYOR SCOTT OPPOSED.

PUBLIC WORKS - Road Program/Proposed Assessment Policy - The City Attorney has prepared a letter which provided a legal opinion on the issue of zoning permits, the opening of roads as well as five options the City has regarding the opening of streets in the City. The Council discussed these five options and felt that only options two and three were viable. The City Attorney was directed to take these two options (2 & 3) and meld together into an Ordinance for platted roads. It was agreed that a public hearing will be held in mid January and action taken at the February meeting.

MOTION 12R-18-97 WAS MADE BY RAY SMYTH AND SECONDED BY RICHARD UPTON TO ESTABLISH A PUBLIC HEARING ON WEDNESDAY, JANUARY 14, 1998 AT 7:00 P.M. FOR THE PURPOSE OF PUBLIC INPUT ON THE

POLICY OR ORDINANCE, THAT A MAILING BE SENT OUT TO SUMMARIZE THE PURPOSE OF THE MEETING AND STATING THAT FULL COPIES OF THE PROPOSED ORDINANCES ARE AVAILABLE AT CITY HALL. MOTION CARRIED UNANIMOUSLY.

Jay Smedberg was present to request that snowplowing be done by the City on the roads he opened off of Manhattan Point Boulevard, specifically Pine Dale Road. There was some discussion as to what constitutes City standards on previously platted property. The Council stated that the current City policy requires that the developer bring roads up to City standards prior to the City's accepting the roads as City maintained roads. One of these standards would include blacktopping.

MOTION 12R-19-97 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH THAT MAINTENANCE NOT BE DONE ON PINE DALE ROAD UNTIL IT MEETS CITY SPECIFICATIONS. MOTION CARRIED UNANIMOUSLY.

Mr. Smedberg requested he be given a copy of these minutes as well as a copy of the Ordinance dealing with this subject.

**UTILITIES** - Kevin Larson reviewed the Highlights for November for both the Telephone Company and Cable Company.

**PARK AND RECREATION -**

Dean Swanson has donated a Panasonic KX-P1180 computer printer to the Park and Recreation Department.

MOTION 12R-20-97 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO ACCEPT THE DONATION OF A COMPUTER PRINTER WITH AN EXPRESSION OF APPRECIATION. MOTION CARRIED UNANIMOUSLY.

MOTION 12R-21-97 WAS MADE BY RAY SMYTH AND SECONDED BY DONNA KEIFFER TO APPROVE THE HIRING OF ANDREW HEMPHILL AND WILLIAM MOUSKE AS WARMING HOUSE ATTENDANTS AT A SALARY OF \$5.50 PER HOUR. MOTION CARRIED UNANIMOUSLY.

MOTION 12R-22-97 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO APPROVE CONTRACTING THE SERVICES OF DONNA KEIFFER TO INSTRUCT AEROBICS AT A COST OF \$400 FOR SEVEN WEEKS. MOTION CARRIED WITH DONNA KEIFFER ABSTAINING.

A usage policy and fees schedule which has been adopted by the Park and Recreation Commission was presented to the Council for approval.

MOTION 12R-23-97 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO APPROVE ORDINANCE NUMBER 91, THIRD SERIES, SECTION 5.51 AMENDING THE CITY CODE DEALING WITH TRANSIENT MERCHANTS. MOTION CARRIED UNANIMOUSLY.

MOTION 12R-24-97 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO APPROVE \$1.50 PER PARTICIPANT BE ADDED TO THE FEE SCHEDULE FOR COMMUNITY EDUCATION CLASSES. MOTION CARRIED UNANIMOUSLY.

MOTION 12R-25-97 WAS MADE BY RAY SMYTH AND SECONDED BY CHUCK MILLER TO APPROVE ORDINANCE NUMBER 92, THIRD SERIES AMENDING CROSSLAKE CITY CODE SECTION 4.15, SUBDIVISION 1, 2 AND 3 DEALING WITH CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON STREETS, PUBLIC PROPERTY AND PRIVATE PARKING LOTS TO WHICH THE PUBLIC AS ACCESS. MOTION CARRIED WITH COUNCILMEMBER UPTON OPPOSED AND MAYOR SCOTT NOT VOTING.

PERSONNEL - Councilmember Smyth reported that union negotiations were continuing.

ECONOMIC DEVELOPMENT AUTHORITY - Nothing

EDUCATION - Nothing

OLD BUSINESS - Nothing

NEW BUSINESS - Nothing

PUBLIC FORUM - Councilmember Miller wished everyone a Merry Christmas.

MOTION 12R-26-97 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO ADJOURN THIS REGULAR MEETING AT 9:30 P.M. MOTION CARRIED UNANIMOUSLY.

Taped and transcribed by:



Darlene J. Roach  
Deputy Clerk

BILLS FOR PAYMENT					
8-Dec-97					
VENDOR		DEPT	PD WITH CHECK #	AMOUNT	
Brainerd National 12/10 Payroll Svgs	Payroll	All		\$115.00	
Northern National - 12/10 Payroll Sv	Payroll	PW		\$25.00	
Cellular 2000 - Mayor's Cell phone		Council		\$32.00	
MN Mutual - Life Ins		All		\$184.00	
Delta Dental - Dental insurance		All		\$641.00	Dec.
Rob Larson - Expenses		Park		\$168.97	
Great West - Def Comp 12/10& 12/24	Payroll	All		\$360.00	
Medica - Medical Insurance		All	Jan	\$3,288.46	
Echo Pub - Help Wanted Ad		Park		\$40.25	
MN Mutual - Def Comp 12/10&12/24	Payroll	All		\$120.00	
MN Dept of Revenue - State Tax	Payroll	All		\$0.00	N/A
MN State Retire Syst 12/10 & 12/24	Payroll	All		\$60.00	
PERA 12/10 & 12/24 Payroll	Payroll	All		\$0.00	N/A
PERA - Life Insurance	Payroll	All		\$60.00	
Chuck Miller - Keys for new empl		PD & Adm		\$17.75	
MN Benefits - Emp pay ins	Payroll			\$78.48	
Pine River Oil - Fuel		PW		\$770.95	
Leech Lake Dist - Knives		PD		\$75.00	
Dacotah Paper - 2 Cases		PD		\$66.07	
Uniform Unlimited - Shirt		PD		\$89.63	
Rural Cellular - '94 Squad Cell		PD		\$34.15	
Radio Shack - Tape Recorder		PD		\$65.80	
Crosslake Telephone		All		\$607.45	
Crow Wing Coop - Electric	Street	PW		\$56.87	
Crow Wing Coop - Electric	Warm	Park		\$49.03	
Crow Wing Coop - Electric	CC	Park		\$479.69	
Crow Wing Coop - Electric	Wareh	PW		\$92.25	
Crow Wing Coop - Electric	Garage	PW		\$34.30	
Chemstar Research - Ice Melt		PW		\$118.64	
Joe Ulschmid - Expenses		Park		\$66.48	
Teri Hastings - Expenses		P&Z		\$4.85	
Cellular One - '95 & '96		PD		\$52.73	
Leech Lake Dist - Boots/clip		PD		\$164.96	
Blue Lakes Disposal - Garbage		Govt		\$98.23	
Blue Lakes Disposal - Garbage		Garage		\$14.81	
Blue Lakes Disposal - Garbage		Park		\$154.57	
Moonlite Square - Rolls/Gas		Fire		\$86.25	Lost Hunter
Ranger Fire Prot - Sprinkler shutoffs		Fire		\$182.26	
Russell Martin Ind. - Hose/veh cleaner		Fire		\$199.00	
Crosslake Tele - REA Payment				\$925.93	
Crosslake Sanitation - Recycle		Recycle		\$1,500.00	
Allison Stevie - Cleaning		Govt		\$240.00	
North Ambulance - Subsidy		Govt		\$1,103.00	
Rob Larson - Reim Petty Cash		Park		\$85.50	
MN Extension Svc - Make it/Take it		Park		\$100.00	
Annual Firefighters Payments		Fire		\$11,890.00	
Martin Comm - Battery		Fire		\$49.71	





**CITY OF CROSSLAKE**

**RESOLUTION NO. 97-11**

**WHEREAS**, the City of Crosslake desires to enter into a contract with Donna Keiffer to provide aerobics instruction three times per week for a seven week period at a cost of \$400.

**WHEREAS**, the City Council of the City of Crosslake had determined that the contract price is as low as or lower than the price at which the aerobics instruction services could be obtained elsewhere.

**BE IT RESOLVED** by the City Council of the City of Crosslake, that the City agrees to contract with Donna Keiffer to provide aerobics instruction three times per week for a seven week period at a cost of \$400.

Ray Smyth moved for the adoption of the foregoing resolution. Said resolution was duly seconded by Chuck Miller and after full discussion thereof, and upon a vote being taken thereon, the following noted in favor thereof:

Robert Scott  
Chuck Miller  
Ray Smyth  
Dick Upton

Donna Keiffer Abstained

and the following voted against the same:

WHEREUPON said resolution was declared to be passed and adopted by the City Council this 8th day of December, 1997.

Robert Scott  
Mayor

Attest:

Maureen Roach  
Deputy Clerk

**AFFIDAVIT**

STATE OF MINNESOTA )  
 )ss.  
COUNTY OF CROW WING )

The undersigned, Donna Keiffer, being first duly sworn upon oath state as follows:

1. My name is Donna Keiffer, and
2. I am a City Council Member for the City of Crosslake, and
3. I would like to provide instruction for morning aerobics classes for the Parks & Recreation Department of the City of Crosslake. There are to be three sessions per week for a seven-week period, resulting in 21 sessions, and
4. The price for the services is \$400, and
5. The reasonable value of these services is \$400, and
6. That to the best of my knowledge and belief, the contract price is as low as, or lower than, the price at which the aerobics instruction could be obtained from other sources.

Further affiant sayeth naught, save that this Affidavit is made for the purposes of identification of a fair and reasonable fee for aerobic instruction.

*Donna Keiffer*  
Donna Keiffer

Subscribed and sworn to before me  
this 2<sup>nd</sup> day of Dec, 1997.

DRAFTED BY:  
Steven R. Qualley, Attorney #240370  
Gammello & Sandelin, P.A.  
308 First Street, P.O. Box 298  
Pequot Lakes, MN 56472

*Darlene Roach*  
Notary Public, Crow Wing County, MN  
My Commission Expires: 1-31-2000

FALAWTEXTV0424.002AEROBICS AFF

