

REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, DECEMBER 13, 2004
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, December 13, 2004. The following Councilmembers were present: Mayor Darrell Swanson, Dean Eggena, Irene Schultz and Dick Phillips. Councilmember Bettie Miller was absent. Also present was City Administrator Thomas N. Swenson, Community Development Director Ken Anderson, City Attorney's Paul Sandelin and Kirk Adams, City Engineer Dave Reese, Public Works Director Ted Strand, Park and Recreation Director Jon Henke, Police Chief Bob Hartman, Clerk/Treasurer Darlene Roach and Lake Country Echo Reporter Betty Ryan. Also in attendance was Mayor Elect Jay Andolshek, Councilmembers Elect Dean Swanson and Terry Curtis. There were several individuals in the audience in addition to Staff.

A. CALL TO ORDER – Mayor Swanson called the meeting to order at 7:00 P.M. and asked for a motion to accept the additions to the agenda. MOTION 12R-01-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

B. CRITICAL ISSUES – Mayor Swanson noted the absence of Councilmember Miller but stated that the Councilmembers present represented a quorum.

C. CONSENT CALENDAR - MOTION 12R-02-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR CONSISTING OF: (1.) MINUTES OF SPECIAL COUNCIL MEETING OF NOVEMBER 8, 2004; (2.) MINUTES OF SPECIAL COUNCIL MEETING OF NOVEMBER 12, 2004; (3.) MINUTES OF FINAL ASSESSMENT HEARING FOR EDGEWATER LANE OF NOVEMBER 16, 2004; (4.) MINUTES OF FINAL ASSESSMENT HEARING FOR MARGARET LANE OF NOVEMBER 16, 2004; (5.) MINUTES OF FINAL ASSESSMENT HEARING FOR GENDREAU ROAD OF NOVEMBER 16, 2004; (6.) MINUTES OF FINAL ASSESSMENT HEARING FOR EAST SHORE BOULEVARD OF NOVEMBER 16, 2004; (7.) MINUTES OF SPECIAL COUNCIL MEETING OF DECEMBER 6, 2004; (8.) MINUTES OF TRUTH IN TAXATION HEARING OF DECEMBER 6, 2004; (9.) CROSSLAKE COMMUNICATIONS TELEPHONE AND CABLEVISION COMPANY STATISTICAL REPORT DATED OCTOBER, 2004; (10.) CITY MONTH END REVENUE REPORT DATED OCTOBER 31, 2004; AND (11.) CITY MONTH END EXPENDITURE REPORT DATED OCTOBER 31, 2004. MOTION CARRIED WITH ALL AYES.

D. PUBLIC FORUM – Councilmember Schultz thanked Mayor Swanson for his past six years of service as Mayor. She stated that the community owes the Mayor a lot for his commitment and attendance at all meetings and community functions.

Gordie Reller, President of the Crosslake Ideal Lions Club requested Council approval to accept a donation from the Lions Club in the amount of \$3,000 to in turn be presented to a local charity representing "Christmas for Kids". In order to use gambling funds for this type of donation, the State Gambling Board requires that the money first be donated to the municipality. This donation would be a receipt in and an expenditure out in the City's books. MOTION 12R-03-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO ACCEPT THE DONATION OF \$3,000 FROM THE CROSSLAKE/IDEAL LIONS CLUB TO BE FORWARDED BY WAY OF A CHECK FROM THE CITY FOR CHRISTMAS FOR KIDS. It was noted that the City is a 501C3 organization which allows acceptance of this type of donation. City Attorney Sandelin agreed that the City could accept the donation and issue a check based on it being a condition of the donation. MOTION CARRIED WITH ALL AYES.

E. LEVY/BUDGET ADOPTION HEARING – Mayor Swanson called the hearing to order at 7:08 P.M. and turned the meeting over to City Administrator Tom Swenson. Swenson stated that on Monday, December 6th, the City held its Truth in Taxation Hearing. As required by State Statute, the Notice of Hearing was posted in three locations and individual statements were mailed to all property owners by the Crow Wing County Auditor's Office. In addition to Council and Staff, eight citizens attended the hearing. At the hearing, the public was provided with a handout detailing the proposed City Budget and Tax Levy. After a review of the information presented, the Council and public was given an opportunity to comment. One question was asked by a member of the audience. One letter was received from a property owner which was read into the record. As a follow-up to the Truth in Taxation Hearing, the public was again given the opportunity to ask any questions or make any comments in regards to the City's budget and levy at this meeting. There being no comments, MOTION 12R-04-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DICK PHILIPS TO ADOPT RESOLUTION NO. 04-52 APPROVING 2004 TAX LEVY COLLECTIBLE IN 2005 TOTALING \$2,105,114. MOTION CARRIED WITH ALL AYES.

MOTION 12R-05-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DICK PHILIPS TO ADOPT THE 2005 REVENUE BUDGET TOTALING \$3,170,548 AND THE EXPENSE BUDGET TOTALING \$3,170,548. MOTION CARRIED WITH ALL AYES.

Mayor Swanson closed the public hearing.

Councilmember Phillips commented that when property owners receive their tax statement, the majority of the increase is from the County. The City's increase amounted to 8.9%. Councilmember Phillips thanked the Council and Staff for the work that went into the budget and levy.

F. MAYOR'S REPORT – Mayor Swanson thanked the community for their support these past six years. He thanked the current Council and previous Councils with whom he served. He thanked Councilmember Schultz and Councilmember Miller for their

efforts on the Council and wished them well in future endeavors. Mayor Swanson also personally thanked City Administrator Tom Swenson and Clerk/Treasurer Darlene Roach for all their assistance over the six years he served as Mayor. Mayor Swanson also thanked his wife, Susan, and stated that without her support at home he would have been unable to do the job. Mayor Swanson stated that this meeting represented his 72nd consecutive regular meeting of the City Council.

G. CITY ADMINISTRATOR REPORT –

1. Bills for Approval – MOTION 12R-05-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNTS OF \$16,962.78 AND \$30,030.98. Councilmember Phillips asked about the bill in the amount of \$2,076 to Mity Lite for tables. Park and Recreation Director Henke stated that this item was a part of the 2005 budget discussion where the Council authorized the purchase using 2004 excess money. Henke further stated that the purchase of chairs from Marco, which is also listed on the bills for approval, was a 2004 budgeted item. MOTION CARRIED WITH ALL AYES.
2. City Administrator Swenson requested Council approval to schedule a Special Meeting for December 22nd to conduct year-end business. MOTION 12R-06-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO SET A SPECIAL COUNCIL MEETING FOR 9:00 A.M. ON DECEMBER 22, 2004. MOTION CARRIED WITH ALL AYES.
3. A memo from Clerk Roach requested Council approval to re-purchase two cemetery lots from Ralph and Jean Eull purchased on September 29, 2003. The Eull's have indicated that they have no use for the two lots and requested the re-purchase. If Council approval is received, a Quit Claim Deed will be sent to the Eull's. Upon receipt of the signed Quit Claim Deed, a check in the amount of \$150 will be sent to the Eull's. MOTION 12R-07-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO RE-PURCHASE TWO CEMETERY LOTS IN PINWOOD CEMETERY IN BLOCK 30, LOT 2, SITES K AND L FROM RALPH AND JEAN EULL FOR \$150.00. MOTION CARRIED WITH ALL AYES.
4. A memo from Clerk Roach requested approval to reimburse 90% of the incremental tax revenue received from Crosswoods Development TIF District 1-8 and Daggett Brook Villas 1-2 for the second half tax payment distributed from the County on December 3rd. Clerk Roach has verified that all taxes have been paid on the thirty-one parcels located within these two districts. MOTION 12R-08-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO RELEASE THE TIF REIMBURSEMENT TO CROSSWOODS DEVELOPMENT IN THE AMOUNT OF \$3,285.09 AND DAGGETT BROOK VILLAS IN THE AMOUNT OF \$6,978.59. MOTION CARRIED WITH ALL AYES.
5. A memo from the League of Minnesota Cities states that members will share in a \$9 million dollar dividend this year which will be distributed based on each city's

proportionate share of premiums paid and losses incurred. The dividend will be distributed in December. This item was included for Council information.

6. A memo dated November 11, 2004 from BLADC included Project Activity Reports for April through September and were included for Council information.
7. Lakes State Bank Pledge Update dated October 2004 was included for Council information.
8. Lakewood Bank Pledge Update dated October 2004 was included for Council information.
9. Northern National Bank Pledge Update dated October 2004 was included for Council information.

G. COMMISSION REPORTS –

1. **PUBLIC SAFETY** – Chief Bob Hartman reported 136 calls in Crosslake and 27 calls in Mission Township in November. Mayor Swanson thanked Chief Hartman for his service to the Police Department during the six years he was Mayor. In return, Chief Hartman thanked the Mayor and Councilmember's Schultz and Miller for their support. In the absence of Fire Chief Anderson, City Administrator Swenson read the fire report for November. A total of six medical and eight fire calls were responded to by the Fire Department. North Ambulance reported 36 callouts in November.
2. **SEWER COMMITTEE** - The Minutes of the October 13th Committee Meeting were included for Council information. Public Works Director Ted Strand reported that everything is going well with 234 connections to the municipal system and 99% removal of effluent prior to release into the Pine River.
3. **UTILITIES** – General Manager Dennis Leaser presented the Highlights Report for the month of November. Leaser stated that the old tower has been removed and the new antenna is in operation. There were some issues with the County's emergency paging system which have been resolved. Staff is working on HDTV along with adding additional analog and digital channels in 2005. It is expected that HDTV will be rolled out in second quarter, 2005. Staff is also working with World Services as a new long distance carrier in addition to Crosslake Long Distance. Negotiations for an expanded calling area to the exchanges covered by Emily Telephone and CTC is about 99% complete. CTC is in agreement and the Emily General Manager is presenting to his Board of Directors this date. The cost for this extended calling feature will be \$3.00 per month. This is a flat fee with no additional charge per minute. If approved, this will be the first venture in Minnesota to engage in expanded calling areas. There are currently two openings on the Utilities Commission and applications are being accepted. The Commission engaged in conversation at their last meeting and recommended an Ordinance Amendment which would allow a third term on the Utilities Commission. The recommendation will be brought to the Personnel Committee for review with a recommendation to the City Council. Work is progressing on the pre-audit and inventory is being taken. General Manager Leaser thanked Mayor Swanson for his

support both as Mayor and Liaison and also thanked Councilmember's Schultz and Miller. Councilmember Phillips asked Leaser if the company pays taxes and Leaser stated that they do not pay corporate taxes since they are municipally owned. The minutes of the November 30th Commission Meeting were included for Council information.

4. **PARK AND RECREATION** – Park and Recreation Director Jon Henke stated that the minutes of the October 26th Commission Meeting were included for Council information. The public was reminded that the Community Center gym is reserved each weekday morning from 8:00 to 9:00 a.m. for walking. Internet is available at the Center with sessions limited to a half an hour per person. Yoga is offered two days a week on Monday evenings at 5:15 P.M. and on Wednesday mornings at 10:00 A.M. The Center offers adult volleyball every Wednesday night from 6:30 – 8:45 P.M. A new session started December 1st and runs until February 16th. Cost for the ten week session is \$15.00. The Community Center will be closed on December 24th and 25th for the Christmas Holiday and January 1st for New Years Day. The Gymnasium will be closed from December 13th to December 28th while the new floor is being installed. All memberships to the weight room will be extended by the number of days the facility is unavailable. The skating rink is ready to open and water is being put down daily. Chuck McMahon and Matt Sams will be working along with Katie Demcho in staffing the rink. Councilmember Eggena inquired about the gym floor carpet and Henke stated that it has been removed. Henke stated that the moratorium on the vacation of publicly held parcels ends at the regular meeting of January 2005. The Park and Recreation Commission, along with Park Department Staff, are recommending that no vacations of public properties that abut the water be approved because it cannot be proven that future use of these parcels is unknown. Based on these recommendations, Attorney Sandelin prepared an ordinance amendment if it is the Council's intent to not vacate the public properties abutting the water. Language in the proposed Ordinance Amendment would prevent the City Council or Staff from accepting a petition requesting vacation. Councilmember Schultz asked if applicants could still approach District Court for consideration and City Attorney Sandelin stated a request could be submitted to District Court. The Ordinance Amendment prevents Staff from taking an application or petition for vacation of a public access abutting the water. It was noted that applications or petitions for other public property, not abutting the water, could be submitted for review by the Council. It was noted that there are 47 parcels affected by this Ordinance Amendment if approved. There was some discussion regarding the requirement for a 4/5ths vote of the Council. Attorney Sandelin stated since it is not a zoning ordinance a simple majority of the Council is required. City Administrator Swenson asked if this change affected all of Chapter 6 and Sandelin stated it would affect the entire chapter. MOTION 12R-09-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO APPROVE ORDINANCE AMENDMENT NO. 202 RELATING TO ROAD VACATIONS AND TO PUBLISH A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES. Park and Recreation Director Henke presented an update on the snowmobile trail. He stated that a conservation officer

recently stopped a resident for going the wrong way along County Road 66. This was a misunderstanding that has been resolved with the DNR. Henke stated that the trail is open and can be used. Of the twelve letters sent to property owners requesting approval to cross their property to connect to Country Road #1, two letters came back opposed to the request. The remainder of the property owners have been silent. It was the consensus of the Council that Park and Recreation Director Henke be authorized to work with Duane Blanck regarding County Road 66 in the area of Loon Lake as a possible location to establish a trail connection. The area will be reviewed to determine if the hill can be cut down to allow for snowmobile traffic. In the past, the County was willing to allow two-way traffic along County Road 66 provided the City accepts the liability for the road. Henke was also directed to talk to County Attorney Don Ryan to see what this liability would include. Attorney Sandelin suggested involving the County Commissioners as well. City Administrator Swenson suggested that Attorney Sandelin check with the League Attorney's to see if they would be willing to accept liability under the City's insurance. MOTION 12R-10-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO AUTHORIZE PAUL SANDELIN TO CONTACT THE LEAGUE OF MINNESOTA CITIES REGARDING USE OF THE SNOWMOBILE TRAIL AS IT PERTAINS TO THE CITY'S LIABILITY AND TO AUTHORIZE JON HENKE TO WORK WITH THE COUNTY. Chief Hartman asked if the DNR should be included in discussions and Public Works Director Ted Strand asked what difference this right-of-way would be from any other right-of-way within the City. MOTION CARRIED WITH ALL AYES.

5. PUBLIC WORKS – A memo dated December 13th from Community Development Director Ken Anderson requested acceptance of Gordon Circle by the Council. The developer has completed restoration and reshaping of the ditches along Gordon Circle. The ditches were hydroseeded in November so grass and vegetation has not yet been established. The permanent fencing around the burial mounds was installed this past month as required by the Council in the final plat approval. In accordance with Council action in regards to Silent Oaks, Staff is recommending that the City Council accept Gordon Circle for maintenance purposes subject to submission of \$1,000 in financial security to the City to insure final restoration work is accomplished in the Spring. This will guarantee additional funds are available after the performance bond expires in May 2005. The amount will be refunded to the developer upon completion of restoration to the satisfaction of the City Engineer and Public Works Director MOTION 12R-011-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO ACCEPT GORDON CIRCLE AS A CITY ROAD UPON RECEIPT OF \$1000 IN FINANCIAL SECURITY FROM THE DEVELOPER. MOTION CARRIED WITH ALL AYES.

The time of 8:00 P.M. having arrived, Mayor Swanson called the public hearing to order for the purpose of taking public input in regards to an extension to the existing PUD Moratorium. Per Attorney Paul Sandelin, changes made by the legislature to the moratorium/interim use statute, limits extensions to eighteen months for the City to complete a comprehensive plan study. An Ordinance Amendment prepared by Sandelin includes a sunset provision of December 31, 2005. Mayor Swanson stated that last

spring, the Council was making good progress on the Comprehensive Plan, but due to Staff shortages, the Comp Plan was put on hold. A meeting has been scheduled to review the current status of the Comp Plan with the newly elected Councilmembers so get them up to speed with the progress. The hearing was open to the audience for comments. Gerry Brine agreed with Sandelin that the Legislature made some changes but did not agree that the moratorium could be extended for another period of time as suggested by Attorney Sandelin. Brine stated that he believes there are three reasons for extending a moratorium, one would allow for up to 120 days, the second reason would be based on a court order to extend an additional 120 days and thirdly, a one year extension if the municipality has not adopted a Comprehensive Plan. Attorney Brine feels this would refer to a city's first Comprehensive Plan not an updated plan. Attorney Sandelin responded to Attorney Brine by stating that it is his belief that the City can extend the moratorium until December 2005. Mayor Swanson commented that the Council could declare the current plan null and void. Councilmember Eggena stated that if the Court challenged the decision, the City would still have the year since it would take that long to get through the Court system. MOTION 12R-012-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO CLOSE THIS PUBLIC HEARING AT 8:10 P.M. MOTION CARRIED WITH ALL AYES.

A memo dated December 10th from Community Development Director Ken Anderson contained action taken by the Public Works Commission recommending the adoption of urban residential road cross-sections establishing minimum standards for roads that incorporate curb, gutter and storm sewer in residential settings. Included with the memo is a lengthy memo from the City Engineer which contained information requested by the City Council pertaining to urban style residential street standards. This matter surfaced when Mr. Rick Carlson, developer of the subdivision known as Bald Eagle Pass, proposed to design streets with an urban design versus a rural design in the proposed development off County Road #66 which would contain 27 twin homes. Mr. Carlson included a copy of that portion of State Statute 8820.9920 dealing with geometric design standards; rural and suburban undivided; new or reconstruction projects for Anderson to review and distribute to the Council. Carlson indicated that all the urban road designs for developments he has completed in other metro area cities are 28 feet in width which would allow for average daily traffic flow between 150 and 1499 vehicles. Anderson's review of the proposed roads leads him to believe there are some circumstances where roads may reasonably be constructed somewhere between 28' to 32' in width. Councilmember Eggena commented that he was disappointed that both the Public Works Commission and WSN is proposing a minimum 66' road right of way. City Engineer Dave Reese stated that WSN has put together various cross sections for urban commercial, rural commercial and urban residential streets with curb and gutter, sidewalks, storm sewers, parking requirements including utility easements. It is the position of WSN that the City require a minimum 66' road right-of-way with no reduction in right-of-way width. Kevin McCormack of Landecker & Associates addressed the Council on behalf of the developer and stated that they are in agreement with what is being proposed to the Council by Staff and WSN. Landecker stated that they are working with the current ordinance and proceeding with a design within the development that will conform to current standards. He stated that plans are being put

together to include curb and gutter within the development with the intent to keep the roads private roads. Mayor Swanson stated that he thinks more work needs to be done on this issue and may require additional review by Planning and Zoning and Public Works. Councilmember Eggena stated that taxpayers are charged no less taxes when the roads within a development remain private. Eggena suggested a minimum standard for urban design be reviewed by the Public Works Commission and WSN. Discussion ensued regarding the roads remaining private, the City eventually taking over the roads and the installation of curb and gutter, minimum pavement width and dead ends within the development. MOTION 12R-13-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO SEND THE ISSUE BACK TO THE PUBLIC WORKS COMMISSION FOR ADDITIONAL RESEARCH. MOTION CARRIED WITH ALL AYES.

Public Works Director Ted Strand reported that plowing and sanding continues with more salt and sand used this year than all of last year. Strand thanked the Mayor and Councilmember's Schultz and Miller and extended his best wishes to them.

6. LIBRARY – Chair Alden Hardwick addressed the Council and thanked Councilmember Schultz for her participation as liaison to the Library Committee. Schultz was active in fundraising activities, preparing mailings and attending all meetings of the Committee. A total of \$100,600 has been raised for the Library to date. The Committee is investigating other options for a library and recently visited the new library in Pequot Lakes. This facility is an 1800 square foot area in the new City Hall building. It is a very attractive facility containing over 11,000 books. Approximately 170 volunteers operate the library which is open 31 hours per week. Computers were donated along with a children's room. The library is operating on a limited budget of \$14,000 per year. Councilmember Eggena asked if Pequot Lakes property owners still contributed to the Kitchigami Regional Library System and Hardwick stated that they do because they are not a branch of the regional library system.

7. PLANNING AND ZONING –

- a. The minutes of the Planning and Zoning Commission and Board of Adjustment Regular meeting of October 22, 2004 were included for Council information.
- b. The minutes of a Special Joint Meeting of the Planning and Zoning Commission and Parks and Recreation Commission held on November 4, 2004 were also included for Council information.
- c. Community Development Director Ken Anderson presented the Permit Summary for November 2004. The total valuation year-to-date is \$23,213,900.
- d. The City has been served with a Summons from Doug and Kellie Peterson, property owners along Cool Haven Lane, which has been submitted to the City Attorney and the League of Minnesota Cities.

- e. Earlier in the meeting a public hearing was held to take public input regarding an Ordinance Amendment prepared by the City Attorney which would allow for a twelve month extension to the Planned Unit Development Moratorium in the commercial lakeshore zoning district. MOTION 12R-14-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO ADOPT ORDINANCE AMENDMENT 203 ON PLANNED UNIT DEVELOPMENTS WITHIN SHORELAND AREAS WHICH ABUT PUBLIC WATERS WITHIN THE CITY OF CROSSLAKE FOR 12 MONTHS WITH FINDINGS OF FACT AND TO PUBLISH A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES.
- f. A memo dated December 9th from Ken Anderson recommended various appointments to the Planning and Zoning Commission. Anderson stated that there is a vacancy for an alternate member and Commissioner's Dick Dietz and Terry Curtis each have their first term expiring effective January 31, 2005. In the past, the City Council has automatically appointed persons who wish to continue on the Commission for a second term. An application has been received from Nancy Addington to serve on the Commission. Since Terry Curtis has been elected to the City Council, he may or may not serve as a member. Mr. Curtis has not resigned as of this date. Motions were approved at the Planning and Zoning Commission Meeting recommending the appointment of Nancy Addington as an alternate member and the appointment of Roger Lynn as a regular member of the Commission. Anderson stated that these appointments could be tabled to the January meeting which would allow for an advertisement to be placed in the newspaper requesting applications. No action was taken by the Council at this meeting.
- g. A memo dated December 13th from Carie Fuhrman dealing with Non-Compliant Septic Systems was reviewed. It was noted that 97% of the city's individual septic systems have been inspected with a few having been found non-compliant. Letters were sent to the property owners in May, 2002 and again in January 2004 stating that their systems were to be updated by December 1, 2004. While 18 property owners have complied, there are still 25 properties out of compliance. Staff is requesting approval to forward this matter to the City Attorney to commence legal action to enforce compliance. MOTION 12R-15-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO AUTHORIZE THE CITY ATTORNEY TAKING LEGAL ACTION AGAINST THE NON-COMPLIANT PROPERTY OWNERS. MOTION CARRIED WITH ALL AYES.
- h. A memo dated December 10th from Ken Anderson contained the results of the US Army Corps of Engineers water elevation frequency analysis conducted on all of the headwater reservoirs in the State of Minnesota including Crosslake and the Whitefish Chain of Lakes. The study conducted by the Corps concludes that the base flood elevation for the chain has changed from 1232.8 feet above sea level to 1231.0 ft, a reduction of 1.8

feet. This means that the lowest floor elevation of a structure must be at 1232.0 feet to meet the DNR's additional requirement for 1 additional foot of "freeboard". Anderson noted that there is a variance application appeal pending the results of this study which the Council needs to take action on. Anderson noted that the Corps can allow the water level to be over 1235 feet without any financial liability for damages that may result. Property owners can still purchase flood insurance if they so choose. Councilmember Eggena asked if FEMA would accept the Corp's elevation of 1231 feet and Anderson stated that they would accept this number as indicated in an email received by Anderson. If the floor structure is below 1231 feet, flood insurance from FEMA is required. Anderson reminded the Council that the DNR still requires an additional one (1) foot "freeboard". Eggena stated that he would be comfortable with the 1231 feet. Anderson stated that the State has chosen to be more restrictive and he doesn't know if the City can set a number lower than State Statute. There was some discussion regarding whether it was actually State Statute or DNR guideline. Councilmember Eggena commented that flood insurance is very expensive and capped at \$250,000 which is well below the value of lakeshore property in this area. MOTION 12R-16-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO ACCEPT THE FLOOD ELEVATION OF 1231 FEET AS DETERMINED BY THE CORPS OF ENGINEERS WATER ELEVATION FREQUENCY ANALYSIS. City Attorney Sandelin was directed to check whether the 1 foot of freeboard is a guideline or State Statute. MOTION CARRIED WITH ALL AYES. Based on Council action, Mr. White can be notified that his property is not a problem since his floor elevation is 1.2 feet above the 1231 feet level. MOTION 12R-17-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO DROP APPEAL 2003-002 OF V2003-007 FOR DAN WHITE/BETSY HOFFMAN SINCE FEMA HAS CHANGED THE FLOOD ELEVATION FOR THE WHITEFISH CHAIN WHICH THE CITY HAS ADOPTED. MOTION CARRIED WITH ALL AYES.

8. RECYCLING – Councilmember Phillips reported that 24.18 tons of recyclables were collected in November.
9. ECONOMIC DEVELOPMENT AUTHORITY – Nothing
10. CHARTER SCHOOL – Councilmember Schultz reported that students have completed their first quarter of school for the year. The tree in the lobby of City Hall was decorated again this year by the students at the Charter School.
11. PERSONNEL – Nothing
12. LONG RANGE CAPITAL PLANNING – Nothing

H. OLD BUSINESS – None

I. NEW BUSINESS – None

J. PUBLIC FORUM – None

**K. ADJOURN – MOTION 12R-18-04 WAS MADE BY DICK PHILLIPS AND
SECONDED BY IRENE SCHULTZ TO ADJOURN THIS REGULAR MEETING AT
9:21 P.M. MOTION CARRIED WITH ALL AYES.**

Recorded and transcribed by,



Darlene J. Roach
Clerk/Treasurer

Shared/REGULAR COUNCIL MEETING – December 13, 2004

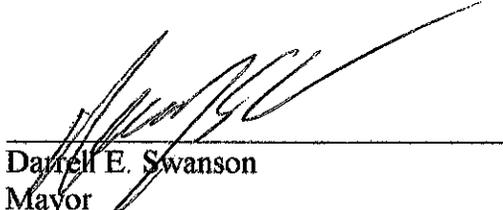
RESOLUTION NO. 04-52
RESOLUTION APPROVING 2004 TAX LEVY
COLLECTIBLE IN 2005

Be it resolved by the Council of the City of Crosslake, County of Crow Wing, Minnesota, that the following sums of money be levied for the current year, collectible in 2005, upon taxable property in the City of Crosslake, for the following purposes:

Debt Service Tax Levy	26,915
General Property Tax Levy	1,432,333
Community Center Levy 2002	63,700
Emergency Services Center	47,376
1999 Series A	96,000
1999 Series B	16,900
2001 Series A	28,655
2002 Series A	24,000
2003 Joint Facility Levy	108,135
2003 Series A Disposal	211,100
2004 Road Projects	<u>50,000</u>
Total Levy	2,105,114

The City Administrator is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Crow Wing County, Minnesota.

Adopted by the City Council on December 13, 2004.



Daniel E. Swanson
Mayor



Thomas N. Swenson
City Administrator

BILLS FOR APPROVAL

13-Dec-04

VENDOR	DEPT	AMOUNT
Ace Hardware, measure cup, baking soda	PW	5.93
Blue Lakes Disposal, trash removal	ALL	224.21
Council #65, union dues	ALL	197.66
Deferred Comp	ALL	1,186.00
Delta Dental, dental insurance	ALL	1,285.00
Echo Publishing, envelopes	Fire	56.70
Fortis, disability	ALL	236.71
George Riches, consulting for brick column replacement	Gov't	437.50
Grafix Shoppe, custom squad marking kit	Police	280.00
Jim Perry, reimburse travel expenses	P&Z	16.57
Krause Lock & Key, locks rekeyed	Police	240.00
Mastercard, Fleet Farm, recovery strap, cotters, clevis	PW	114.93
Medica, health insurance	ALL	12,678.23
Mity Lite, tables	P&R	2,076.00
MN Benefits	Admin	100.92
MN Life, life insurance	ALL	319.20
NCPERS, life insurance	ALL	96.00
North Ambulance, subsidy	Ambulance	1,103.00
Pequot Auto Parts, head lights	PW	14.38
Pequot Auto Parts, hose, crimp	PW	27.72
PERA	ALL	N/A
Sandelin Law Office, legal fees	ALL	8,741.82
Spielman Repair, dot inspection	PW	65.00
State and Federal Taxes	ALL	N/A
Streichers, uniform	Police	74.17
Tom Swenson, vehicle allowance	Admin	400.00
Viking Coca Cola, pop	Gov't	30.89
Viking Coca Cola, pop	P&R	22.44
TOTAL		30,030.98

ADDITIONAL BILLS FOR APPROVAL

13-Dec-04

VENDOR	DEPT	AMOUNT
Ace Hardware, box, vent	PW	13.40
Crosslake Rolloff, dumpster at old garage	PW	214.40
Crow Wing Power, electric utilities	ALL	6,951.41
Echo Publishing, public hearing 12-17	P&Z	31.25
Echo Publishing, public hearing 12-13	P&Z	25.00
Erik Lee, septic inspections	P&Z	100.00
Holiday, propane	Cemetery	42.58
Ideal Contractor, vests, hard hats	Sewer/PW	161.45
JJ's Guns, ammunition	Police	49.95
Marco, chairs	P&R	2,343.00
Mastercard, travel expenses for class for 2 people	Police	423.04
Quill, folders, ink cartridges	P&Z/Admin	120.71
Robert Hartman, reimburse travel expenses	Police	187.92
Simonson Lumber, pine	P&R	8.07
Widseth Smith Nolting, engineering fees	ALL	6,290.60
TOTAL		16,962.78