

SPECIAL COUNCIL MEETING  
CITY OF CROSSLAKE  
THURSDAY, DECEMBER 18, 2003  
1:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Thursday, December 18, 2003 at 1:00 P.M. The following Councilmembers were present: Mayor Darrell Swanson, Chuck Miller, Irene Schultz, Dean Eggena and Dick Phillips. Also present were City Administrator Tom Swenson, Clerk/Treasurer Darlene Roach, Crosslake Communications General Manager Dennis Leaser, Community Development Director Ken Anderson, Police Chief Bob Hartman and Park & Recreation Director Jon Henke. There were three individuals in the audience.

1. Call to Order – Mayor Swanson called the special meeting to order at 1:04 P.M. and turned the meeting over to City Administrator Tom Swenson who presented the items to be considered by the Council.
  
2. Review Leave of Absence Requests – Tom Swenson read a memo dated December 15, 2003 from the Personnel Committee recommending the council to deny a request by Officer Jay Lorch to utilize 400 hours or accumulated sick leave for paternity leave, but to authorize the use of sick leave during his wife’s hospitalization with the balance of the time off utilizing vacation time and holiday pay at the discretion of the Police Chief. Tom Swenson added that basically, the personnel policy does not allow the use of sick leave for paternity leave. MOTION WAS MADE BY CHUCK MILLER, SECONDED BY DICK PHILLIPS TO DENY THE REQUEST BY OFFICER JAY LORCH TO UTILIZE 400 HOURS OF SICK LEAVE FOR PATERNITY LEAVE, HOWEVER, APPROVED THE RECOMMENDATION FROM THE PERSONNEL COMMITTEE THAT OFFICER JAY LORCH BE ALLOWED TO USE SICK LEAVE DURING HIS WIFE’S HOSPITALIZATION WITH THE BALANCE OF TIME OFF UTILIZING VACATION AND HOLIDAY PAY AT THE DISCRETION OF THE POLICE CHIEF. Councilman Eggena questioned how the sick leave policy in the City works. Tom Swenson explained that regular full-time employees earn sick leave at the rate of 8 hours per month of service and that any unused sick leave hours can carry-over to the following year. Sick leave may be accumulated to a maximum of 800 hours. Sick leave earned over and above 800 hours shall be credited to a deferred sick leave account as follows: 75% shall be deposited into the deferred sick leave account and 25% shall be deposited into the employee’s vacation account for use as regular paid vacation leave. Mayor Swanson added that the City is gracious with this policy and that in private companies, when the sick leave is not carried-over, employees often abuse the system by using sick time when they are not sick because they don’t want to “lose” those hours. MOTION CARRIED WITH ALL AYES.

Tom Swenson continued reading the memo from the Personnel Committee dated December 15, 2003 approving a request to change the status of Park and

Recreation Maintenance Worker Joe Ulschmid from current to unpaid medical leave. Tom Swenson added that Mr. Ulschmid has exhausted all of his vacation and sick leave. Darlene Roach stated that Mr. Ulschmid had already completed the long-term disability forms, and with Council approval, she would finish the City's portion of the forms today. Councilman Eggena questioned if there should be a timeline associated with this leave. Darlene Roach stated that the doctor's note said he would be out of work through January. Jon Henke agreed that there should be a timeline, so that a full-time employee is in that position by spring. Mayor Swanson suggested using an exact date. MOTION WAS MADE BY CHUCK MILLER, SECONDED BY DEAN EGGENA TO APPROVE CLASSIFYING PARK AND RECREATION MAINTENANCE WORKER JOE ULSCHMID AS BEING IN AN UNPAID MEDICAL LEAVE STATUS UNTIL APRIL 1, 2004, AT WHICH TIME THE COUNCIL WILL LOOK AT THIS MATTER AGAIN. MOTION CARRIED WITH ALL AYES.

2. Approval of Crosslake Communications Accountant Job Description, Comparable Worth Points, Salary Range and Authorization to Hire – Tom Swenson read a memo dated December 15, 2003 from the Personnel Committee listing the motions approved to recommend to the Council. Dennis Leaser explained that the position of Accountant will be replacing the position of bookkeeper, adding that most bookkeepers in the telephone industry are not part of the union because of the confidential information they have access to. Councilman Phillips questioned who was currently in the bookkeeper position. Dennis Leaser replied that Sunnie Engstrom had been the bookkeeper until November 2003, at which time she left the company. A MOTION WAS MADE BY CHUCK MILLER, SECONDED BY DEAN EGGENA TO APPROVE THE ACCOUNTANT JOB DESCRIPTION. MOTION CARRIED WITH ALL AYES.

Tom Swenson stated that the State of Minnesota provides cities with a packet of job descriptions and comparable worth points. The City matches their job description with a State position and uses those comparable worth points. A MOTION WAS MADE BY DICK PHILLIPS, SECONDED BY IRENE SCHULTZ TO ASSIGN 252 COMPARABLE WORTH POINTS AND THAT THE POSITION BE MATCHED WITH THE STATE JOB MATCH "ACCOUNTING OFFICER" DESCRIPTION. MOTION CARRIES WITH ALL AYES.

Dennis Leaser explained that he used the 2003 OPASCO Survey to help equate a salary range for this position, taking into account the size of the company, number of employees and region type. A MOTION WAS MADE BY DEAN EGGENA, SECONDED BY DICK PHILLIPS TO SET A SALARY RANGE OF \$36,200 - \$40,200 FOR THE ACCOUNTANT POSITION. Councilman Phillips asked if there was a probation period attached to this position. Dennis Leaser explained that the probation period for this position is 1 year. MOTION CARRIED WITH ALL AYES.

A MOTION WAS MADE BY DEAN EGGENA, SECONDED BY IRENE SCHULTZ TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS.

Councilman Phillips asked who will be conducting the interviews. Dennis Leaser replied that representatives from Olson & Thelen, the phone company's accountants, City Administrator Tom Swenson, a member of the Utility Commission and he would be on the interview panel. MOTION CARRIED WITH ALL AYES.

3. Approve Non-Union 2004 Wage Recommendations – At its meeting of December 12, 2003, the Personnel Committee approved a motion to recommend wage increases for non-union employees for 2004. The recommendations were in accordance with amounts previously reviewed by the Personnel Committee and recommended to the City Council for inclusion in the 2004 budget which was recently adopted. A MOTION WAS MADE BY CHUCK MILLER, SECONDED BY IRENE SCHULTZ TO APPROVE THE RECOMMENDED WAGE INCREASES FOR NON-UNION PERSONNEL PER THE MEMO DATED DECEMBER 15, 2003 FROM THE PERSONNEL COMMITTEE. MOTION CARRIED WITH ALL AYES.
  
4. City Administrator Level of Involvement in Policy Discussions – A memo dated December 10, 2003 from City Administrator Tom Swenson was included in the Council packets regarding a discussion that the Administrator had with Councilman Eggena after the Regular City Council Meeting of December 8, 2003 relating to the level of involvement of the City Administrator during Council discussions regarding policy matters. City Administrator Swenson raised this same issue when he first began working in Crosslake in 1997. The following is an excerpt from the minutes of a Special Council Meeting on August 18, 1997: “The possibility of the City Administrator making recommendations that could conflict with philosophies and ideas of members of the City Council was discussed. During the talking stages of issues, the City Administrator wondered how much latitude he had to express recommendations and opinions. The Council felt he should be allowed to state what he feels needs to be done and be allowed to express his opinion. Once a decision is made by the City Council, the City Administrator will respect the decision and carry out the necessary action.”

Councilman Eggena explained that Mr. Swenson, as the City Administrator, should not voice his own political views, however, as a citizen of Crosslake, should stand at the public podium to voice his views. Councilman Eggena did not think it was proper that he and Mr. Swenson debated the library issue at the last Council meeting. Councilman Eggena wants to only debate with other Councilmembers. Councilwoman Schultz stated that she feels Tom Swenson is doing a really good job and that she likes to hear two sides to an issue. Councilman Miller stated that he was on the Council when the policy was made regarding the City Administrator's level of participation and that he will say to Councilman Eggena what he said to a Councilmember at that time: The only reason this is an issue is because Tom Swenson disagreed with you and if he

would have been favorable to your opinion, you wouldn't be saying anything about this now. Councilman Miller stated the City Administrator is involved in most of the issues that come before the Council on a daily basis and should be involved in discussions. Councilman Phillips recalled that Tom Swenson did not interject into the conversation, but that Mayor Swanson had specifically asked for his opinion. Mayor Swanson feels that it is ok for Tom Swenson to state his personal opinion, as long as he precedes his statement with the fact that it is a personal opinion. Councilman Eggena questioned how many people can give their personal opinions during a meeting; could the attorney, the engineer, his girlfriend? Councilman Miller asked Councilman Eggena how many times a matter like this has happened in the 12 months he has been on the Council. Councilman Eggena replied that this was the only time.

Councilman Phillips asked Tom Swenson what his opinion on this matter was. Mr. Swenson replied that based on the direction he received from the Council in 1997 he has taken an active role in policy discussions and has stated his views and recommendations. Mr. Swenson stated that he is ok with whatever the Council directs him to do. He reminded the Council that many of his memos state that the information is a recommendation, and that often his recommendations and opinions are one in the same.

Councilwoman Schultz stated that she would like to leave the policy the way it is and that it has been working fine. Councilman Eggena again asked how far he could go to get personal opinions during a meeting; could he ask Darlene, Ken? How many people could he ask? Who could he ask? Mayor Swanson suggested that they keep the current policy regarding the City Administrator's level of involvement in policy discussions, and that if a similar incident happens again, the Mayor will step in to end the debate. Councilman Miller added that he has been on the Council through many mayors and told Mayor Swanson that he is doing a good job. Councilman Miller recalled a mayor that told the councilmembers to "put a sock in it" if he didn't agree with them.

5. Bills for Approval – A MOTION WAS MADE BY CHUCK MILLER, SECONDED BY IRENE SCHULTZ TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$26,282.12. MOTION CARRIED WITH ALL AYES.

Councilmen Eggena and Phillips requested to receive the total costs for attorney and engineering services for 2003. Before beginning discussions on the Comprehensive Plan, a brief recess was taken.

6. Continued Discussion regarding the Comprehensive Plan – Community Development Director Ken Anderson handed out to the Council maps showing the changes that the Council had discussed at its last meeting to Planned Growth Area 1 of the Future Land Use Map. The first version showed that area changing to all general commercial and the second version showed that area changing to

general commercial with a limited commercial buffer. Councilman Eggena stated that these maps indicate the changes he would like to see, although there should be a limited commercial buffer between all the residential zoned properties, not just along Ox Lake Landing and Egret Road. A discussion ensued regarding the descriptions in our ordinance of general commercial and limited commercial and how they relate to the map changes. It was the consensus of the Council that it would be easier to enforce the ordinance if there was a set limited commercial zone and a set general commercial zone, instead of performance standards within a zone. Councilwoman Schultz wondered if the limited commercial zone would be creating more work for the staff, because they would have to issue Conditional Use Permits (CUP). Councilman Eggena reminded the Council that right now, the ordinance requires every business to apply for a CUP, whether they are in the limited or general commercial zones, so this would actually reduce the work load of the staff. Ken Anderson noted that right now there are inconsistent conditions and inconsistent enforcement of the conditions imposed on approved CUPs. Mayor Swanson added that the City is not big enough yet to have a full-time code enforcement inspector to police the City for zoning violations and that most of the complaints that come in are from the public. Councilman Eggena stated that there may be up to 120 businesses in Crosslake and each business has a different set of conditions. He added that there is no way to enforce the conditions because there are just too many. Councilman Eggena recalled that a former mayor set up the permitting process this way so that the Council could determine what businesses come to town and which ones don't. It was the consensus of the Council that they are in favor of changing Planned Growth Area 1 to be zoned general commercial with a limited commercial buffer for areas that are adjacent to residentially zoned properties.

Ken Anderson stated that the Council needs to be aware of property lines and roadways when they establish the zoning district boundaries, for property description purposes. Councilman Eggena stated that he is concerned with protecting the residential areas from the commercial areas, and not vice versa. Councilman Miller added that this whole idea would reduce the number of CUPs and said it would be un-American for the Council to say what businesses could and could not come to town. Councilman Eggena would like to change the zoning maps and eliminate the future land use maps, because it becomes too confusing to have two different sets of maps. Ken Anderson cautioned that this type of zoning would not work with larger parcels of land and that the zoning boundaries need to follow the lot lines. Mayor Swanson suggested that if a limited commercial buffer would not be possible, that a larger setback be required with 200 feet of trees to create a buffer and screening. The Mayor urged the Council to think about this area again before the next meeting and to directed Ken Anderson to consult with the City Attorney about matching zoning boundaries with lot lines.

Councilwoman Schultz left the meeting at 3:15 P.M.

A discussion ensued regarding Planned Growth Area 2 and whether lot sizes should become 40,000 or 20,000 square feet. Councilman Eggena noted that if the lots are 40,000 square feet, they could have their own septic and would not need to hook up to the City sewer. It was the consensus of the Council to review the minimum residential lot size requirements.

7. Adjourn – The next special meeting of the Council to continue discussions of the Comprehensive Plan will be held on Wednesday, January 7, 2004 at 1:00 P.M. in City Hall. There being no further business at 3:35 P.M., A MOTION WAS MADE BY DEAN EGGENA, SECONDED BY CHUCK MILLER TO ADJOURN THE MEETING. MOTION CARRIED WITH ALL AYES.



Charlene Nelson  
Deputy Clerk

**BILLS FOR APPROVAL**

18-Dec-03

VENDOR	DEPT	AMOUNT
Ace Hardware, nuts, bolts, washers	PW	4.57
Ace Hardware, drill bits	PW	15.09
Ace Hardware, wrench set, tape, hooks	PW	23.33
Ace Hardware, replace hose in garage	Police	28.74
Business Forms and Accounting, w2s	Admin	147.49
Cellular One, cell phone charges	PW	28.47
Central Lakes Medical Clinic, physical	PW	89.00
Collegiate Pacific, fence guards	P&R	644.10
Complete Title, owner and encumbrance report	P&R	75.00
County Administrator, recording fee for notary	Admin	100.00
County Recorder, filing fees	P&Z	20.00
Crow Wing County Treasurer, e911 addresses	Gov't	125.00
Curtis Larson Appraisals, wisemiller appraisal	PW	777.60
Dacotah Paper, towel dispensers	Gov't	441.34
Dacotah Paper, soap, wipes	PW	105.83
Dacotah Paper, soap and dispensers	Gov't	55.15
Echo Publishing, ordinance 185	PW	23.63
Echo Publishing, public hearing 12-19	P&Z	67.50
Fitness Wholesale, exercise bands	P&R	48.80
James Bedard, wisemiller appraisal	PW	805.20
Joe Ulschmid, reimburse uniform	P&R	105.97
Lorman Education, zoning and land use class	P&Z	289.00
Mastercard, Ben Meadows, weed control mat, saw chap	P&R	649.55
Mastercard, Holiday Inn, lodging for class	Sewer	76.11
Mastercard, Home Depot, pressure washer, ladder	P&R	536.57
Oseland Appraisals, wisemiller appraisal	PW	767.25
Pequot Auto Parts, battery, filter, battery cleaner	PW	153.83
Pequot Auto Parts, tools	PW	326.92
Reed's Sporting Goods, shooting glasses	Police	30.32
Simonson Lumber, tapcon bit	PW	11.48
Streicher's, sepor light	Police	32.05
Ted Strand, reimburse mileage	PW	68.40
USA Bluebook, fire hose, thermometer, nozzle	PW	384.47
Widseth Smith Nolting, engineering fees	ALL	16,748.66
Ziegler Cat, cutting edges	PW	2,048.95
Ziegler Cat, cutting edge	PW	426.75
<b>TOTAL</b>		<b>26,282.12</b>