

**REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, FEBRUARY 12, 2018
7:00 P.M. – CITY HALL**

The Crosslake City Council met in the Council Chambers of City Hall on Monday, February 12, 2018. The following Council Members were present: Mayor Patty Norgaard, Dave Nevin, Dave Schrupp, and Brad Nelson. Gary Heacox was absent. Also present were City Administrator Mike Lyonais, City Clerk Char Nelson, Public Works Director Ted Strand, Park and Rec. Director Jon Henke, Land Service Specialist Jon Kolstad, City Attorney Brad Person, City Engineer Mike Rardin, WSN Engineer Dave Reese, Northland Press Reporter Bill Monroe, and Echo Publishing Reporter Theresa Bourke. There were approximately eight people in the audience.

A. CALL TO ORDER – Mayor Norgaard called the Regular Council Meeting to order at 7:00 P.M. The Pledge of Allegiance was recited. MOTION 02R-01-18 WAS MADE BY DAVE NEVIN AND SECONDED BY DAVE SCHRUPP TO APPROVE THE ADDITIONS TO THE AGENDA. MOTION CARRIED WITH ALL AYES.

B. CONSENT CALENDAR – MOTION 02R-02-18 WAS MADE BY DAVE SCHRUPP AND SECONDED BY BRAD NELSON TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR:

1. Regular Council Meeting Minutes of January 8, 2018
2. Special Council Workshop Minutes of January 11, 2018
3. Special Council Meeting Minutes of January 18, 2018
4. City – Month End Revenue Report dated January 2018
5. City – Month End Expenditures Report dated January 2018
6. January 2018 Budget to Actual Analysis
7. Pledged Collateral Report dated January 31, 2018
8. Police Report for Crosslake – January 2018
9. Police Report for Mission Township – January 2018
10. Fire Department Report – January 2018
11. North Memorial Health Ambulance Run Report – December 2017 and January 2018
12. Planning and Zoning Monthly Statistics
13. Planning and Zoning Commission Meeting Minutes of December 22, 2017
14. Crosslake Park/Library Commission Meeting Minutes of January 23, 2018
15. Crosslake Roll-Off Recycling Report for January 2018
16. Waste Partners Recycling Report for December 2017
17. MPCA NPDES Permit Compliance Summary for 10/1/16-9/30/17
18. Pay Request No. 5 from Eagle Construction for WWTF Improvements in the Amount of \$102,588.13
19. Memo dated 2/6/18 from City Clerk Re: Group Transient Merchant Permit for Chamber of Commerce
20. Agreement for Professional Services By and Between the Crosslake EDA and BLAEDC for 2018
21. LG240B Application for Conduct Excluded Bingo for Immaculate Heart Church
22. Bills for Approval in the Amount of \$136,229.63

23. Additional Bills for Approval in the Amount of \$19,483.84
24. Resolution No. 18-04 Approving LG214 Premises Permit Application from NLYHA for Pull Tabs at Moonlite Bay

C. PUBLIC FORUM – Joel Knippel of the PAL Foundation presented a check in the amount of \$1,800 to Jon Henke for the purchase of a roller for the Park Department's groomer.

D. CRITICAL ISSUES

1. Jordan Larson of the Crow Wing County Highway Department presented a preliminary schedule and information regarding the 2020 Reconstruction Project for County Roads 36 and 37. At this time there are no cost share items for the City. A meeting will be held in March for residents to view the plans, give comments or ask questions. The maps will be left at City Hall.
2. Laura Stromberg of the St. Patrick's Day Committee gave an update on activities that will take place for the City celebration and parade on March 17, 2018. MOTION 02R-03-18 WAS MADE BY BRAD NELSON AND SECONDED BY DAVE NEVIN TO APPROVE LG220 APPLICATION FOR EXEMPT PERMIT FOR THE CHAMBER TO CONDUCT A RAFFLE. MOTION CARRIED WITH ALL AYES.

MOTION 02R-04-18 WAS MADE BY BRAD NELSON AND SECONDED BY DAVE SCHRUPP TO AUTHORIZE THE USE OF CITY STREETS AND ASSISTANCE FROM PUBLIC WORKS, FIRE DEPARTMENT AND POLICE DEPARTMENT FOR THE CELEBRATION. MOTION CARRIED WITH ALL AYES.

3. Dean Fitch of the EDA presented information regarding GreenStep Cities and the benefits of becoming a member. A formal presentation was made to the Council at a workshop on January 11th. There is no cost to join. MOTION 02R-05-18 WAS MADE BY DAVE SCHRUPP AND SECONDED BY DAVE NEVIN TO APPROVE THE CITY OF CROSSLAKE MEMBERSHIP INTO GREENSTEP CITIES. MOTION CARRIED WITH ALL AYES.

E. MAYOR'S REPORT – None.

F. CITY ADMINISTRATOR'S REPORT

1. Mike Lyonais reported that the annual employee performance evaluations are underway and should be completed by the end of the month. Mr. Lyonais stated that a performance review of the City Administrator has not been done in the past, but if the Council chooses, he will get information from the League of MN Cities on that process and tools for evaluation. The Council was in favor of receiving that information.
2. MOTION 02R-06-18 WAS MADE BY BRAD NELSON AND SECONDED BY PATTY NORGAARD TO APPROVE RESOLUTION NO. 18-05 REAUTHORIZING MEMBERSHIP IN THE 4M FUND. MOTION CARRIED WITH ALL AYES.

Mike Lyonais reported that Edward Jones has asked to be named an official depository for the City. Should the City decide to place funds in an Edward Jones account, conflict of interest waivers from the Council would be required. MOTION 02R-07-18 WAS MADE BY DAVE SCHRUPP AND SECONDED BY DAVE NEVIN TO NAME

EDWARD JONES AS AN ADDITIONAL DEPOSITORY FOR THE CITY. MOTION CARRIED WITH ALL AYES.

3. Mike Lyonais reported that the auditors will be here the week of March 5th to conduct the audit of 2017 financial statements. The auditors may interview council members regarding City policies.

G. COMMISSION REPORTS

1. PARK AND RECREATION/LIBRARY

- a. Jon Henke reported that the Park Department has created a Winter Walking Trail at the Community Center. The trail can be used for hikers and dog walkers and is separated from the ski trails.

MOTION 02R-08-18 WAS MADE BY BRAD NELSON AND SECONDED BY DAVE SCHRUPP TO APPROVE THE HIRING OF JON MURPHY AS A PART TIME EMPLOYEE AT THE COMMUNITY CENTER. MOTION CARRIED WITH ALL AYES.

The Community Center has added extra hours of Tot Time in the gymnasium. Outside toys will only be allowed in the gym during these hours.

Jon Henke reported that an adjacent land owner to the Community Center is interested in selling their land to the City. If acquired, the land could be used for a sledding hill, dog park, or trails. Staff received two quotes to conduct an appraisal of the land. MOTION 02R-09-18 WAS MADE BY DAVE NEVIN AND SECONDED BY DAVE SCHRUPP TO HIRE JOHANNECK APPRAISALS TO APPRAISE THE 9.1 ACRES OF LAND ADJACENT TO THE COMMUNITY CENTER AT A COST OF \$595. Dave Nevin asked how the City would pay for the land. Mike Lyonais replied that Jon Henke could put off other capital expenditures or ask for a budget amendment to use cash on hand. Brad Nelson stated that the Council needs to discuss the intended use for the proceeds of the phone company sale. There are other parcels of land that the City should consider acquiring. MOTION CARRIED WITH ALL AYES.

MOTION 02R-10-18 WAS MADE BY DAVE NEVIN AND SECONDED BY BRAD NELSON TO ACCEPT \$1,800 DONATION FROM PAL FOUNDATION FOR PURCHASE OF ROLLER. MOTION CARRIED WITH ALL AYES.

2. PUBLIC WORKS/CEMETERY/SEWER

- a. MOTION 02R-11-18 WAS MADE BY DAVE NEVIN AND SECONDED BY BRAD NELSON TO APPROVE THE ADVERTISEMENT FOR BIDS FOR THE 2018 ROAD IMPROVEMENT PROJECT. MOTION CARRIED WITH ALL AYES.
- b. MOTION 02R-12-18 WAS MADE BY DAVE SCHRUPP AND SECONDED BY BRAD NELSON TO APPROVE THE PURCHASE OF A 2018 CHEVY SILVERADO AT A COST OF \$30,458.68. Ted Strand stated that the City will trade in or sell 2 older pickups. MOTION CARRIED WITH ALL AYES.

MOTION 02R-13-18 WAS MADE BY DAVE NEVIN AND SECONDED BY BRAD NELSON TO APPROVE THE PURCHASE OF AN EXMARK LAWN MOWER AT A COST OF \$14,767.00. Ted Strand stated that the trade in value of the current Hustler mower is only \$300-\$400. Dave Nevin stated that the City should be able to get more money for the mower if sold or auctioned. MOTION CARRIED WITH ALL AYES.

- c. Ted Strand stated that the packet included information from Bolton & Menk regarding the Wastewater Treatment Facility Improvement Project.

H. PUBLIC FORUM – None.

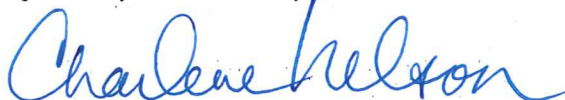
- I. CITY ATTORNEY REPORT** – Attorney Brad Person gave an update on the Perkins Road land acquisition and stated that the land owner has not responded to the City's request to purchase the land, which was appraised at approximately \$36,000. MOTION 02R-14-18 WAS MADE BY DAVE NEVIN AND SECONDED BY BRAD NELSON TO APPROVE RESOLUTION NO. 18-06 INITIATING LEGAL PROCEEDINGS TO ACQUIRE PROPERTY THROUGH EMINENT DOMAIN. MOTION CARRIED WITH ALL AYES.

J. OLD BUSINESS -- None.

- K. NEW BUSINESS** – Police Chief Erik Lee reported that he just returned from a Mission Township budget meeting and that Mission Township has agreed to a three-year police service contract with an increase to \$54,000 in 2018, \$55,100 in 2019 and \$56,200 in 2020. Chief Lee stated that there has been no increase in cost since 2009. Officers patrol this area at least 6 days a week, 4 hours per day.

- L. ADJOURN** - The Mayor adjourned the meeting at 8:05 P.M.

Respectfully submitted by,



Charlene Nelson
City Clerk
City Clerk/Minutes/2-12-18

BILLS FOR APPROVAL
February 12, 2018

VENDORS	DEPT		AMOUNT
Ace Hardware, hardware	PW		0.65
Ace Hardware, carpet cleaner	Park		6.59
Ace Hardware, carpet cleaner rental	Park		54.98
Ace Hardware, caulk	PW		8.99
Ace Hardware, gloves	Park		9.99
Ace Hardware, soap, garden sprayer	PW		23.17
Ace Hardware, towing kit	PW		39.99
Ace Hardware, snow brush	Police		9.59
Ace Hardware, heat shrink tube	PW		21.48
Ace Hardware, hex key	Park		9.99
Ace Hardware, wd40	Park		10.18
Ace Hardware, propane	Cemetery		25.49
Ace Hardware, bulbs	Park		11.99
Ace Hardware, cabinet cleaner	Park		6.59
Ace Hardware, propane, hose, hardware	Cemetery		61.14
Ace Hardware, containers	PW		9.03
Ace Hardware, battery clamp, grounding plug	Fire		9.48
Ace Hardware, hardware	Fire		6.62
Ace Hardware, baking soda	Park		1.59
AW Research, water testing	Sewer		475.20
Award a Memory, locker tags	Fire		36.20
Banyon Data Systems, utility billing add on modules	Sewer		1,390.00
Best Oil Company, aero fluid	PW		180.00
Birchdale Fire & Security, recharge fire extinguishers	Fire		105.00
Blue Cross Blue Shield, health insurance	ALL		22,581.00
Bolton & Menk, wwtp improvements	Sewer		10,744.40
Breen & Person, legal fees	ALL		646.00
Cargill, road salt	PW		10,656.35
CDW-G, backup server	Police		1,546.12
Char Nelson, reimburse for pop and cleaning supplies	Gov't	pd 1-29	72.86
City of Crosslake, sewer utilities	PW/Gov't		144.00
Clean Team, february cleaning	PW/Gov't		1,082.50
Council #65, union dues	Gov't		385.00
Crosslake Communications, phone, fax, cable, internet	ALL		1,500.71
Crosslake Rolloff, recycling	Gov't		2,695.00
Crow Wing County, audit confirmation	Admin		30.00
Crow Wing County Attorneys Office, 4th quarter 2017 fines	Gov't		982.30
Crow Wing County Highway Dept, fuel, salt sand mix	ALL		9,959.29
Crow Wing County Recorder, filing fees	PZ		92.00
Crow Wing Power, electric service	ALL	pd 1-22	9,275.83
Crystel Truck Equipment, install flatbed	PW		3,192.21
CTCIT, i.t. labor for january, computer project	ALL		1,877.50
Culligan, water and cooler rental	PW/Gov't		81.15
Dacotah Paper, janitorial supplies	Park		506.34
DC's Motorsports, mower parts	PW		37.41

Deferred Comp	ALL		300.00
Dell, battery backup	Park		475.27
Dell, upgrade license	Park		87.50
Delta Dental, dental insurance	ALL		1,241.20
Denise Thompson, zumba	Park		130.80
Emergency Response Solutions, scba flow testing	Fire		1,490.00
Essentia Health, dot drug test	PW		50.00
Fire Instruction & Rescue, thermal imaging camera training	Fire	pd 1-17	650.00
Fire Instruction & Rescue, health and wellness	Fire	pd 1-23	650.00
Fortis, disability	ALL		650.84
Forum Communications, meeting notice of 1/26	PZ		29.75
Forum Communications, ordinance 351	Admin		27.63
Guardian Pest Solution, pest control	ALL		77.60
Hawkins, chemicals	Sewer		991.96
Independent Testing Technologies, sewer improvement project	Sewer		1,365.00
Internation Assn of Fire Chiefs, membership dues	Fire		234.00
Jefferson Fire & Safety, thermal imaging camera, charger	Fire		6,550.85
Jon Henke, mileage reimbursement	Park		23.43
Kirvida Fire, install new battery charger	Fire		502.78
Kirvida Fire, replace discharge gauges, repair hose bed	Fire		493.45
Lakes Area Rental, cap/drain	Park		19.95
Lakes Area Rental, replace mechanical seal	Sewer		49.95
Lakes Area Rental, earmuff replacement	PW		35.85
Lakes Area Rental, pump cap	PW		19.95
Lakes Gas Company, bulk lp	Park		858.92
Marco, copier lease	Park		230.23
Mastercard, Amazon, book	Library		38.78
Mastercard, Amazon, dvds and cases	Gov't		92.16
Mastercard, Aspen Mills, uniforms	Fire		172.30
Mastercard, DVS Renewal, duplicate title	PW		17.67
Mastercard, Everblades, heated windshield wiper blades	PW		513.52
Mastercard, Everblades, mounting kit	PW		117.25
Mastercard, Everblades, heated windshield wiper blades	PW		233.00
Mastercard, Fleet Farm, heater, light	PW		66.42
Mastercard, Fleet Farm, steel toe boots	PW		174.99
Mastercard, Fort Ripley Gas, fuel	PW		75.01
Mastercard, FreeLinc, ear piece	Police	pd 1-23	75.00
Mastercard, Microsoft, publisher program	Park	pd 1-23	236.20
Mastercard, Office Max, paper, labels, receipts, ink	Library		175.72
Mastercard, Office Max, paper, labels, receipts, ink	Park		147.59
Mastercard, Spa Partners, gym equipment wipes	Park		328.52
Mastercard, The Fire Store, patches	Fire	pd 1-23	94.97
Mastercard, The Fire Store, patches	Fire		52.98
Mastercard, Unique Fitness Concepts, ankle cuff	Park	pd 1-23	18.00
Mastercard, Walmart, gloves	Park		38.14
Mastercard, Willy McCoys, meal when dropping off truck	PW		33.74
Mastercard, travel expenses	Police		398.37
Meyer Midwest, parts	Park		45.00

Mills Motors, replace spark plugs, coils, shift handle	PW		748.60
MN Dept of Labor and Industry, pressure tank testing	Sewer	pd 1-17	20.00
MN Life, life insurance	ALL		456.40
MPCA, wastewater operations conference registration	Sewer		390.00
MRWA, conference registration	Sewer		460.00
Napa, lights	Police		27.99
Napa, lamp	PW		319.88
Napa, battery cables	PW		24.06
Napa, grease, solenoid	PW		31.21
Napa, headlight	PW		96.25
Napa, connector	PW		41.96
Napa, scraper	PW		10.29
Napa, wiper blades, fuel additive, grommet and kit	PW		102.88
NCPERS-Life Insurance	ALL	pd 1-29	96.00
NCPERS-Life Insurance	ALL		96.00
Neofunds, postage meter refill	ALL	pd 1-23	700.00
Nisswa Police Dept, chiefs of police assn dues	Police		75.00
North Memorial EMS, training	Fire		599.00
Northland Press, employment ad	PW		51.84
Northland Press, ordinance 351	Admin		59.50
Northland Press, meeting notice of 1/26	PZ		59.50
Northland Press, summary budget statement	Admin		102.00
Nuss Truck and Equipment, valves	PW		76.62
Patty Norgaard, reimburse for travel expenses	Council		275.40
Premier Auto, oil change	Police		29.19
Premier Auto, tire repair	Police		15.00
Premier Auto, oil change	Police		31.39
Public Employees Retirement Assn, contributions	Park		556.11
Reeds Market, pop, towels, soap	Gov't		26.04
Riteway, payroll checks	Admin		127.30
Ron Harkin, reimburse uniform allowance	Park	pd 1-22	246.40
Seaberg Motorsports, winch rope	PW		80.00
Seth Wannebo, reimburse for uniform	PW	pd 2-6	125.01
Shannons Auto Body, headlamp, service kit	PW		377.50
Teamsters, union dues	Police	pd 2-6	194.00
The Office Shop, sheet protectors	Gov't		18.39
The Office Shop, rubber bands, file cabinet frames	Gov't		32.18
The Police & Sheriffs Press, id card	PW		17.49
Thelen Heating and Roofing, replace inducer motor	Park		758.00
Total Compliance Solutions, dot drug test	Sewer		37.99
Ultimate Safety Concepts, monitor service/calibration	Fire		120.00
US Bank, copier lease	ALL	pd 1-23	156.00
USA Bluebook, filter, stopper	Sewer		298.00
Verizon, m2m charges	Police	pd 1-29	55.79
Verizon, air card and ipad charges	ALL	pd 2-6	395.53
Verizon, cell phone charges	ALL		355.45
Viking Electric, bulbs	Park		105.84
Volunteer FF Benefit Assn, annual renewal	Fire		161.00

Waste Partners, trash removal	ALL		243.41
Watt Detailing, clean truck	PW		400.00
WSN, dream island bridge, road projects	PW		21,908.15
Xcel Energy, gas utilities	ALL		3,175.73
Ziegler, cutting edge, bolt	PW		278.22
TOTAL			136,229.63

ADDITIONAL BILLS FOR APPROVAL
February 12, 2018

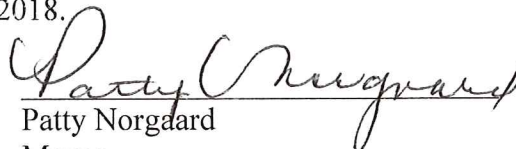
VENDORS	DEPT		AMOUNT
American Steel, floor plate	PW		15.15
AW Research, water testing	Sewer		118.80
Banyon Data Systems, email module	Sewer		595.00
Clean Team, floor cleaning	PW		757.29
Crow Wing Power, electric service	ALL		9,309.06
Emergency Response Solutions, locker	Fire		1,102.00
Fire Instruction & Rescue, reading smoke class	Fire		600.00
Forum Communications, meeting notice of 2/22	PZ		31.88
Galls, bullet proof vests	Police		2,158.04
Guardian Pest Solutions, pest control	ALL		77.60
Hawkins, chemicals	Sewer		767.24
Independent Testing Technologies, wwtf improvements	Sewer		1,605.00
Kirvada Fire, kussmaul auto charge	Fire		1,181.88
Kirvada Fire, replace seatbelt connections	Fire		227.98
Streichers, flashlight, holder, charger	Police		169.98
Viking Electric, bulbs	Park		92.76
Ziegler, maintenance	PW		674.18
TOTAL			19,483.84

RESOLUTION NO. 18-04
CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION APPROVING LG214 PREMISES PERMIT APPLICATION FOR
NORTHERN LAKES YOUTH HOCKEY ASSOCIATION

On February 12, 2018, the Crosslake City Council approved LG214 Premises Permit Application from Northern Lakes Youth Hockey Association to Conduct Electronic Pull Tabs activity at Moonlite Bay Family Restaurant and Bar located at 37627 County Road 66 in Crosslake, MN 56442.

Adopted by the Council this 12th day of February, 2018.


Patty Norgaard
Mayor



Charlene Nelson
City Clerk

**RESOLUTION NO. 18-05
CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA**

RESOLUTION REAUTHORIZING MEMBERSHIP IN THE 4M FUND

WHEREAS, Minnesota Statutes (the Joint Powers Act) provides that governmental units may jointly exercise any power common to the contracting parties; and

WHEREAS, the Minnesota Municipal Money Market Fund (the 4M Fund) was formed in 1987, pursuant to the Joint Powers Act and in accordance with Minnesota Investment Statutes, by the adoption of a joint powers agreement in the form of a Declaration of Trust; and

WHEREAS, the Declaration of Trust, which has been presented to this Council, authorizes municipalities of the State of Minnesota to become Participants of the Fund and make use from time to time including the 4M Liquid Asset Fund, the 4M Plus Fund, the Term Series, the Fixed Rate Programs, and other Fund services offered by the Fund; and

WHEREAS, this Council deems it to be in the best interest for the municipality to make use of, from time to time, the approved services provided by the 4M Fund's service providers including the Investment Advisor (Prudent Man Advisors, Inc.) or Sub-Advisor (RBC Global Asset Management (U.S.) Inc.), the Administrator (PMA Financial Network, Inc.), the Distributor (PMA Securities, Inc.) or the Fixed Rate Program Providers, PMA Financial Network, Inc. and PMA Securities, Inc., and the Custodian, U.S. Bank National Association, ("Service Providers") and/or their successors.

WHEREAS, this Council deems it advisable for this municipality to enter into the Declaration of Trust and become a Participant of the Fund for the purpose of joint investment with other municipalities so as to enhance the investment earnings accruing to each; now, therefore BE IT RESOLVED AS FOLLOWS:

Section 1. This municipality shall renew its membership as a Participant of the Fund and adopt and enter into the Declaration of Trust, a copy of which shall be filed in the minutes of this meeting. The appropriate officials are hereby authorized to execute those documents necessary to effectuate entry into the Declaration of Trust and the participation of all Fund programs.

Section 2. This municipality is authorized to invest monies from time to time and to withdraw such monies from time to time in accordance with the provisions of the Declaration of Trust. The following officers of the municipality or their successors are designated as "Authorized Officials" with authority to effectuate investments and withdrawals in accordance with the Declaration of Trust:

Michael R. Lyonais/City Administrator
Print Name/Title Signature

Michael R. Lyonais

Charlene Nelson/City Clerk
Print Name/Title Signature

Charlene Nelson

(Additional names may be added on a separate list. The treasurer shall advise the Fund of any changes in Authorized Officials in accordance with Fund procedures.)

Section 3. The Trustees of the Fund are designated as having official custody of those monies invested in accordance with the Declaration of Trust.

Section 4. That the municipality may open depository and other accounts, enter into wire transfer agreements, safekeeping agreements, third party surety agreements securing deposits, collateral agreements, letters of credit, lockbox agreements, or other applicable or related documents with institutions participating in Fund programs including U.S. Bank National Association, or its successor, or programs of PMA Financial Network, Inc. or PMA Securities, Inc. for the purpose of transaction clearing and safekeeping, or the purchase of certificates of deposit ("CDs") or other deposit products and that these institutions shall be deemed eligible depositories for the municipality. PMA Financial Network, Inc. and PMA Securities, Inc. and their successors are authorized to act on behalf of this municipality as its agent with respect to such accounts and agreements. Monies of this entity may be deposited in such depositories, from time to time in the discretion of the Authorized Officials, pursuant to the Fund's Programs available through its Services Providers.

It is hereby certified that the Council of the City of Crosslake adopted this Resolution at a duly convened meeting of the Council held on the 12th day of February, 2018, and that such Resolution is in full force and effect on this date, and that such Resolution has not been modified, amended, or rescinded since its adoption.

Patty Norgaard
Patty Norgaard, Mayor

Michael R. Lyonais
Michael R. Lyonais, City Administrator

RESOLUTION NO. 18-06
CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION TO INITIATE LEGAL PROCEEDINGS
TO ACQUIRE PROPERTY THROUGH EMINENT DOMAIN

WHEREAS, the City of Crosslake, for many years, has planned to improve Perkins Road;
and

WHEREAS, the City of Crosslake has attempted to acquire fee title for land legally described
as follows:

The North 223 feet of that part of the North 660 feet of the Northeast Quarter of the Northeast Quarter, Section 31, Township 137, Range 27, Crow Wing County, Minnesota, which lies Westerly of the following described line: beginning at the Southeast corner of Lot 39, Block 2, in the plat of Urban Point; thence South along a line at right angles to the North line of said Northeast Quarter of the Northeast Quarter to the South line of said North 660 feet of said Northeast Quarter of the Northeast Quarter and there terminating.

AND

The North 190 feet of that part of the North 660 feet of the Northeast Quarter of the Northeast Quarter, Section 31, Township 137, Range 27, Crow Wing County, Minnesota, which lies Easterly of the following described line: beginning at the Southeast corner of Lot 39, Block 2, in the plat of Urban Point; thence South along a line at right angles to the North line of said Northeast Quarter of the Northeast Quarter to the South line of said North 660 feet of said Northeast Quarter of the Northeast Quarter and there terminating. EXCEPT Lots 5 and 6, Block 1, Crosslake Estates AND EXCEPT Cherry Road, Perkins Road and County Road 103.

WHEREAS, the City of Crosslake had both parcels appraised by William Ludenia, a licensed appraiser, and the appraised value was set at \$36,375 for both parcels; and

WHEREAS, the City of Crosslake has offered this appraised value of to the respective landowner. During this 60 day negotiation period, the City shared its appraisal with the landowners and recommended that they receive their own appraisal if they disagreed with the price and that the City would reimburse them for the cost of said appraisal; and

WHEREAS, the landowners did not accept either offer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Crosslake, Minnesota as follows:

That the City initiate legal proceedings to acquire fee title to the real estate described above through eminent domain.

Adopted by the Crosslake City Council this 12th day of February, 2018.


Patty Norgaard, Mayor


Michael R. Lyonais, City Administrator

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CROW WING

NINTH JUDICIAL DISTRICT

Case Type: Condemnation

In Re the Condemnation of Certain Real Property
In the City of Crosslake, re: Perkins Road Project

Court File No. 18-CV-_____

City of Crosslake, State of Minnesota, a
Municipal Corporation;

**PETITION IN THE MATTER
OF THE CONDEMNATION OF
REAL PROPERTY**

Petitioner,

vs.

Arthur John Heigl and Marilyn Rose Heigl,
As trustees of the Arthur John Heigl
Declaration of Trust dated April 8, 2014

Respondents.

TO THE DISTRICT COURT, the City Council of the City of Crosslake brings this Petition and respectfully alleges that the Petitioner, City of Crosslake, is a duly constituted governmental subdivision of the State of Minnesota.

1. Petitioner, City of Crosslake (hereinafter "the City") is a municipal corporation duly organized and existing under the laws of the State of Minnesota and is authorized by law to exercise the right of eminent domain.

2. The purposes for which Petitioner seeks to acquire the interest herein described are public purposes.

3. That this proceeding is taken pursuant to Minn. Stat. Ch. 117 in the name of and on behalf of the City of Crosslake, County of Crow Wing, State of Minnesota, by J. Brad Person, City Attorney, at the request of the Crosslake City Council.

4. That the City of Crosslake deems it necessary for road, trail, drainage and utility purposes to obtain the lands herein described as fee title for the use of the general public as a part of the Perkins Road Project. The legal description of the property to be condemned is as follows:

The North 223 feet of that part of the North 660 feet of the Northeast Quarter of the Northeast Quarter, Section 31, Township 137, Range 27, Crow Wing County, Minnesota, which lies Westerly of the following described line: beginning at the Southeast corner of Lot 39, Block 2, in the plat of Urban Point; thence South along a line at right angles to the North line of said Northeast Quarter of the Northeast Quarter to the South line of said North 660 feet of said Northeast Quarter of the Northeast Quarter and there terminating.

AND

The North 190 feet of that part of the North 660 feet of the Northeast Quarter of the Northeast Quarter, Section 31, Township 137, Range 27, Crow Wing County, Minnesota, which lies Easterly of the following described line: beginning at the Southeast corner of Lot 39, Block 2, in the plat of Urban Point; thence South along a line at right angles to the North line of said Northeast Quarter of the Northeast Quarter to the South line of said North 660 feet of said Northeast Quarter of the Northeast Quarter and there terminating. EXCEPT Lots 5 and 6, Block 1, Crosslake Estates AND EXCEPT Cherry Road, Perkins Road and County Road 103.

5. That said City Council has specifically directed by its Resolution of February 12, 2018 (hereinafter "Resolution"), that said property hereinafter described be acquired through condemnation by eminent domain proceedings for the purpose of road and utility improvements. Attached hereto as **Exhibit A** is a copy of the Resolution. The City also needs to obtain possession of the real property prior to the filing of the Commissioners Report, pursuant to the "Quick Take" procedures permitted by Minn. Stat. §117.042 and §117.043. Petitioner intends to take possession on _____, 2018 at which time the City of Crosslake will pay to the owners or deposit with the Court an amount equal to Petitioner's approved appraisal of value.

6. The legal description of the property to be taken and the names and addresses of those appearing of record as known to Petitioner to be the owner(s) of the condemnation property or having an interest in the condemnation property, including all within the City has, by investigation

and inquiry, able to discover, together with the nature of the ownership of each as can be ascertained, is as follows:

<u>Name</u>	<u>Address</u>	<u>Ownership Interest</u>
Artur John Heigl Marilyn Heigl	28160 Robolini Court Bonita Springs, FL 34135	fee title

7. That the City has complied with Minn. Stat. §117.036 in that it has obtained an appraisal of the condemnation property and has provided the appraisal to the property owner more than 60 days before filing this Petition. The City has made a good faith attempt to negotiate personally with the owner of the property in order to acquire the property by direct purchase instead of use of eminent domain proceedings.

WHEREFORE, Petitioner prays for an Order of this Court as follows:

1. Adjudging that said taking of the condemnation property is for a public purpose, is reasonably necessary and convenient and as such is authorized by law; and that pursuant to the "Quick Take" procedures permitted by Minn. Stat. Section 117.042 and 117.043 that title and possession shall transfer to the Petitioner on _____, 2018.

2. Appointing three disinterested persons and at least two alternates, residents of Crow Wing County, as Commissioners, to ascertain and report the amount of damages that may be occasioned by the taking of the condemnation property.

3. Fixing the time and place of the first meeting of the Commissioners, prescribing their compensation, and requiring the Commissioners to file the report with the Clerk of District Court within 180 days, unless a time be further extended by Order of the Court.

4. For such other and further relief as the Court deems just and equitable.

Dated at Brainerd, Minnesota, this 13th day of February, 2018.

BREEN & PERSON, LTD.



J. Brad Person, Esq. #0296302
Attorneys for Petitioner
124 N. 6th Street, PO Box 472
Brainerd, MN 56401
Telephone (218) 828-1248

ACKNOWLEDGEMENT REQUIRED BY MINN. STAT. §549.211

The undersigned hereby acknowledges that pursuant to Minn. Stat. §549.211, Subd. 1, costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties in this litigation if the Court should find that the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass; or committed a fraud upon the Court.



Dated: February 13, 2018

J. Brad Person
Attorney for Petitioner