

**REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, DECEMBER 10, 2012
7:00 P.M. – CITY HALL**

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, December 10, 2012. The following Council Members were present: Mayor Darrell Schneider, Steve Roe, Rusty Taubert, John Moengen and Dean Swanson. Also present were Council Members Elect Gary Heacox and Mark Wessels, City Administrator Tom Swenson, Community Development Director Ken Anderson, Police Chief Bob Hartman, Public Works Director Ted Strand, Fire Chief Chip Lohmiller, Park and Recreation Director Jon Henke, Paul Davis from Crosslake Communications, City Attorney Mike Couri, City Engineer Dave Reese, Planning and Zoning Commission Chair Mike Winkels, PAL Foundation Member Alden Hardwick, County Engineer Tim Bray, Land Services Supervisor Chris Pence, Echo Publishing Reporter Kate Perkins, Northland Press Reporter Paul Boblett, and Cindy Myogeto from the Chamber of Commerce. There were approximately twenty-five people in the audience.

A. CALL TO ORDER – Mayor Schneider called the Regular Council Meeting to order at 7:00 P.M. MOTION 12R-01-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO ACCEPT THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

B. CRITICAL ISSUES –

1. Chris Pence, Supervisor of the Crow Wing County Land Services Department appeared before the Council and thanked them for inviting him to speak about his department and the County Land Use Ordinance. As supervisor he expects his department to deliver excellent customer service. After he started with the County in 2008, Mr. Pence wanted to change the ordinance so that it was simple to understand for everyone. The Crow Wing County Land Use Ordinance applies to Crow Wing County residents that are outside city limits and whose land is above the Ordinary High Water line. The County uses a site-based permitting model. Land use permits are issued after staff conducts an onsite visit to the property. Staff is available to meet with landowners on their property to answer questions about current or proposed land use issues. In order to apply for a land use permit in the shoreland district, proof of a current septic compliance inspection and tank evaluation is required. Impervious coverage is calculated for every permit so that it does not exceed the 25% allowed. Follow-up inspections are conducted annually by Crow Wing County staff for all shoreland permits. Last year only 2-3% of permits issued had issues either with location or size of the project that needed to be corrected or addressed. For projects needing a variance or conditional use permit, the County has developed a Development Review Team to explain to the citizens the application process and requirements before the application is turned into the Land Services Department. The DNR, County Highway Dept and Township Boards are invited to provide input as well. Crow Wing County is the local government unit for administering the MN Wetland Conservation Act. The County has a local comprehensive water plan that outlines priority concerns. Their goal is to integrate water planning priorities into the permitting process. The 2011 Land Use Ordinance has 80 fewer pages than the previous ordinance. A

Shoreland Zone was added. A Shoreland Alteration Permit costs \$150 and is issued for stairways, retaining walls, patios, sand blankets, ice ridges and vegetation removal. Stormwater management is required on all permits for riparian lots where impervious surfaces exceed 15%. Shoreline buffers are required on all permits for riparian lots where impervious surfaces exceed 20%. Footing inspections are required to verify that newly constructed buildings meet lake/river setbacks. Guest cabins are now allowed up to 700 square feet. Travel trailers are allowed as a year-round structure with a permit if setbacks can be met. Mr. Pence stated that his department is consistent with all applications. People do not get everything they want but they are treated fairly and courteously. Crow Wing County has received two awards for the consolidation of five separate county departments into one single Land Services Department. John Moengen asked if the water plan is for lakes only. Mr. Pence replied that it is for protecting both the ground water and lake water. Planning and Zoning Commission Chair Mike Winkels questioned the process of adjusting permits after the fact to coincide with what some property owners actually do on their land after they receive a permit. Mr. Pence stated that if the change is minor, they can adjust the permit to match what was constructed, but sometimes property owners are required to change or remove a structure that was not permitted. Mr. Winkels stated that WAPOA claims 100% of the variances applied for from the Land Services Department were approved so far this year. Mr. Pence replied that only about 95% had been approved. Mr. Winkels asked if there had been an issue between the County and the DNR regarding docks in Bay Lake Township on Clearwater Lake. Mr. Pence replied that the County had approved the placement of docks on this lake and that the DNR appealed this and the docks had to be removed. Mr. Winkels stated that except for the requirement of the pre-meeting process for variances and conditional use permits, the City of Crosslake and the County Land Services Department have the same permitting procedures and requirements.

2. Crow Wing County Highway Engineer Tim Bray appeared before the Council and stated that he asked to attend the Council meeting so that he can get to know local officials and citizens. The County just approved a 5-Year Plan which includes right-of-ways, plan studies and road construction in the amount of \$30 million. County Road 3 construction is scheduled for 2014, County Road 36 for 2015 and County Road 16 for 2016. The County Road 36 Project will start at the intersection of CSAH 36 and CSAH 37 and go east to CSAH 114 in Fairfield Township. Mr. Bray stated that there is not enough funding to go all the way to State Highway 6. John Moengen thanked him for starting in Crosslake and not the other way around. Mr. Bray stated that the crown in the road is very bad and that plow trucks have a hard time staying on the road. Public involvement will be encouraged for all the upcoming projects. Mr. Bray noted that a resolution was going to the County Board this week to approve the start of the right-of-way acquisition for the County Road 3 Project. Steve Roe asked how the County handles right-of-way acquisition. Mr. Bray replied that each one is different depending on cross-sections, utilities and clear zones for safety. The County does use prescriptive easements when necessary. They plan on platting and titling the right-of-ways on this project. Dean Swanson stated that platting was a great idea. Mr. Bray encouraged residents to participate in an online survey regarding the performance of the highway department.
3. Alden Hardwick of the PAL Foundation and Cindy Myogeto of the Chamber appeared before the Council to announce the development of a community event calendar. The

PAL Foundation and the Chamber are working together to create a calendar to inform both local residents and tourists of Crosslake events. The calendar is unique in that it will run from May 2013 to April 2014. Mr. Hardwick noted that every page would have a picture of a Crosslake event. Activities and events would be listed on each day. They plan to print 2000 calendars which will be available to the public free of charge at the Chamber, Community Center and participating businesses. Approximately half of the ad space has been sold so far and the cost for businesses to have an ad on the calendar is between \$150-\$400. Cindy Myogeto stated that no activity is too big or too small to be put on the calendar and they want to include every organization's events.

C. CONSENT CALENDAR – MOTION 12R-02-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR: (1.) CROSSLAKE COMMUNICATIONS BALANCE SHEET AND INCOME STATEMENT/DETAIL OF RESERVE BALANCES DATED OCTOBER 31, 2012; (2.) CITY MONTH END REVENUE REPORT DATED OCTOBER 2012; (3.) CITY MONTH END EXPENDITURE REPORT DATED OCTOBER 2012; AND (4.) PLEDGED COLLATERAL REPORT DATED 12/5/12 FROM JENNIFER MAX AND PLEDGE UPDATES. MOTION CARRIED WITH ALL AYES.

D. MAYOR'S REPORT – Mayor Schneider recognized Council Members Rusty Taubert and Dean Swanson as they prepare to leave office at the end of the month. Mr. Taubert served the City for over six years. Mr. Swanson served over 25 years both on the Council and Commissions. Mayor Schneider presented both of them with service award plaques.

E. PUBLIC FORUM – None.

F. CITY ADMINISTRATOR'S REPORT –

1. A memo dated December 4, 2012 from the City Administrator regarding the adoption of 2012/Collectible 2013 Tax Levy and 2013 City Budget was included in the packet for Council action. Tom Swenson stated that on December 3, 2012 the City held a Public Informational Meeting to review and take public comments on the Proposed 2013 Budget and 2012/Collectible 2013 Tax Levy. As required, the Meeting Notice was posted and individual statements were mailed to property owners by Crow Wing County. In addition to 5 Council Members and Staff, 15 citizens attended the meeting. At the meeting, the public was provided with a handout detailing the Proposed 2013 City Budget and 2012/Collectible 2013 Tax Levy. No correspondence was received from the public and several individuals addressed the Council with concerns regarding valuation changes and the impact on both residential and commercial tax statements. The Council had no additional comments regarding the levy or budget. MOTION 12R-03-12 WAS MADE BY DEAN SWANSON AND SECONDED BY JOHN MOENGEN TO APPROVE RESOLUTION 12-23 ADOPTING THE 2012 TAX LEVY COLLECTIBLE IN 2013. MOTION CARRIED WITH ALL AYES.

MOTION 12R-04-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO APPROVE THE 2013 REVENUE BUDGET IN THE

AMOUNT OF \$3,813,456 AND THE EXPENDITURE BUDGET IN THE AMOUNT OF \$3,813,456. MOTION CARRIED WITH ALL AYES.

2. City Bills for Approval – MOTION 12R-05-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO APPROVE THE BILLS FOR PAYMENT FOR DECEMBER AS SUBMITTED IN THE AMOUNTS OF \$117,348.33 AND \$10,969.35. MOTION CARRIED WITH ALL AYES.
3. A memo dated December 10, 2012 from Jenny Max requested the Council to set the date and time of the Year-End Council Meeting. MOTION 12R-06-12 WAS MADE BY STEVE ROE AND SECONDED BY RUSTY TAUBERT TO SET THE DATE OF THE SPECIAL YEAR-END MEETING ON THURSDAY, DECEMBER 27, 2012 AT 2:00 FOR THE PURPOSE OF CONDUCTING YEAR-END BUSINESS, APPROVING BILLS FOR PAYMENT AND MAKING YEAR-END TRANSFERS. MOTION CARRIED WITH ALL AYES. Following the Special Meeting the Council will hold a Farewell Gathering for Dean Swanson and Rusty Taubert whose terms will both be ending on December 31st. The Gathering will be from 3:00 to 5:00 and will be open to anyone who wishes to stop in and say thank you and farewell to both Dean and Rusty for their many years of service. The City will be serving coffee and cake.
4. A memo dated December 4, 2012 from the City Administrator requested authorization to execute the engagement letter with Larson Allen. MOTION 12R-07-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE AND AUTHORIZE EXECUTION OF THE ENGAGEMENT LETTER FROM CLIFTON LARSON ALLEN TO PREPARE THE 2012 FINANCIAL STATEMENTS AT A COST NOT TO EXCEED \$25,000. MOTION CARRIED WITH ALL AYES.
5. A memo dated December 10, 2012 from Tom Swenson and Jenny Max regarding an estimate from Becker's Crosslake Floor Covering for carpet was in the packet for Council action. Crosslake Communications recently installed new carpet in their office building and carpet tiles that were removed and not worn out were put aside. The estimate from Becker's includes the cost to remove the carpet from the Council Chambers and Police Department and install the carpet tiles from Crosslake Communications in these two locations. John Moengen stated that the carpet in the Council Chambers and Police Department needed replacement and this was an inexpensive alternative to purchasing new carpet. MOTION 12R-08-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO APPROVE THE REPLACEMENT OF CARPET IN THE COUNCIL CHAMBERS AND POLICE DEPARTMENT BY BECKER'S CROSSLAKE FLOOR COVERING AT AN ESTIMATED COST OF \$3,259. MOTION CARRIED WITH ALL AYES.

G. COMMISSION/DEPARTMENT REPORTS –

1. PUBLIC SAFETY –

- a. Chief Hartman reported 163 calls in Crosslake for November.
- b. Chief Hartman reported 42 calls in Mission Township for November.
- c. A memo dated 12/10/2012 from Chief Hartman requested acceptance of a \$100 donation to the Crosslake Police Department. The donation was made by Erich Kline through Alerus Mortgage, a charitable donation program that donates up to \$100 to the organization of the donor's choosing. Erich Kline, upon the closing of a loan with

Alerus Mortgage Company, chose the Crosslake Police Department as the recipient of the donation. MOTION 12R-09-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO ACCEPT THE \$100 DONATION TO THE POLICE DEPARTMENT FROM ERICH KLINE THROUGH ALERUS MORTGAGE COMPANY. MOTION CARRIED WITH ALL AYES.

- d. Chief Lohmiller reported that the Crosslake Fire Department responded to 18 calls in November. The year to date total is 267 calls which is an increase of 8%. There has been a steady increase in calls in the last few years.
- e. A memo dated December 10, 2012 from Chief Lohmiller requested approval of partial payment to Baratto Brothers for work completed on the ambulance addition. MOTION 12R-10-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO APPROVE PARTIAL PAYMENT NO. 1 TO BARATTO BROTHERS FOR THE AMBULANCE ADDITION PROJECT IN THE AMOUNT OF \$25,000. MOTION CARRIED WITH ALL AYES.
- f. The November 2012 North Ambulance Run Report was included in the packet for Council information.

2. PARK AND RECREATION/LIBRARY –

- a. Park Director Jon Henke reported that the Crosslake Area Library would like to thank all of the patrons that participated in the annual fund raising campaign and to thank the Kitchigami Regional Library System for all of their support and additional programs in 2012. The Community Center offers aerobics on Mondays, Tuesdays and Thursdays at 9 A.M. Senior meals take place at the Community Center Monday through Friday at 11:30 A.M. Interested participants must call by 4:00 P.M. the day before to make a reservation. The Community Center offers an array of fitness equipment. A certified personal trainer is available to walk you through all of the different equipment free of charge when you sign up for a membership. The Silver Sneakers program has started. Anyone over 65 that has a qualifying plan is eligible to receive a free fitness room membership. A Silver Sneakers Muscular Strength and Range of Movement class is held Mondays and Thursdays from 10:30 to 11:15 A.M. The class is free to all eligible Silver Sneakers Members and is available to non-members for a fee of \$4 per class. Crow Wing County and the Crosslake Parks Department worked together to complete phase one of the Crosslake Nordic Ridge Recreation Area. Phase one included the clearing of nearly two miles of trails on tax forfeited property just north of the Community Center. The PAL Foundation has donated funds to pay for the trail clearing done by Brad Holmvig. This new trail will provide a great cross country ski opportunity for local skiers. The trails will also be used in the spring, summer and fall for non-motorized recreation. The PAL Foundation will start work on a boardwalk that will connect the City land with the County land in an additional location this summer. The Ideal Sno Pros have agreed to groom the trails on Fridays this winter. The Park Department will be charged for the gas it takes to complete the grooming and also pay an hourly wage for the operator. Jon Henke thanked Bryan Pike from Crow Wing County, Crow Wing County Commissioner Paul Thiede, and Crosslake volunteer Monte Miller for their support of the project. Also thanked were PAL Foundation members Joel Knippel and Ted Pederson for taking charge of the project. PAL will continue to help with grooming

expenditures through funds that will be set aside by local skiers who will join the local ski and snowshoe club this winter. Volleyball takes place on Wednesday nights from 6:15 to 8:45 P.M. Yoga is available at the Community Center on Tuesdays from 10:00 to 11:30 A.M. and the instructor is Gail Van Brundt. Attendance for the Community Center in November was 5,730. Attendance for the Library was 1,781. The PAL Foundation has donated funds to cover expenditures for Park programs and special events for the last half of 2012. This donation total includes \$1,095.54 for the Crosslake Monster Dash, \$60.18 for the Crosslake Road Race Series and \$1,944.36 for the 2012 Crosslake Area Library Children's Program expenditures. MOTION 12R-11-12 WAS MADE BY STEVE ROE AND SECONDED BY RUSTY TAUBERT TO ACCEPT A \$3,100.08 DONATION FROM THE PAL FOUNDATION TO COVER THE EXPENSES LISTED ABOVE. MOTION CARRIED WITH ALL AYES. The PAL Foundation sent a check to cover the expenditures from Holmwig Excavating for the clearing of the Nordic Ridge Recreation Area Trail. MOTION 12R-12-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO ACCEPT THE DONATION OF \$2,154.59 FROM THE PAL FOUNDATION FOR EXPENSES RELATED TO THE NORDIC RIDGE TRAILS. MOTION CARRIED WITH ALL AYES. Included in the packet was the 2013 Site Use Agreement for Senior Nutrition at the Community Center. Lutheran Social Services will reimburse the City on a semi-annual basis, for a total of \$316 for the year to cover utility expenses for the program. MOTION 12R-13-12 WAS MADE BY DEAN SWANSON AND SECONDED BY JOHN MOENGEN TO APPROVE THE 2013 SITE USE AGREEMENT WITH LUTHERAN SOCIAL SERVICES FOR THE SENIOR NUTRITION PROGRAM. MOTION CARRIED WITH ALL AYES. Jon Henke concluded his report by stating that the Community Center would be closed December 25th and January 1st. The facility will be open from 8:00 A.M. to 4:00 P.M. on December 24th and December 31st. Starting January 5th the Community Center will be open from 8:00 A.M. to 4:00 P.M. on Saturdays.

- b. The Crosslake Park and Recreation/Library Commission Minutes of September 26, 2012 were included in the packet for Council information.

3. ECONOMIC DEVELOPMENT AUTHORITY –

- a. The EDA Meeting Minutes of November 8, 2012 were included in the packet for Council information.

4. PUBLIC WORKS/CEMETERY/SEWER –

- a. The October Wastewater Treatment Discharge Monitoring Report was included in the packet for Council information. Ted Strand noted that the form is now computerized and submitted electronically.

Ted Strand asked how the new audio/video equipment was working and what he should do with the old equipment. The Council replied that the equipment was working well and Steve Roe suggested that the old equipment be donated to the Crosslake Community School. MOTION 12R-14-12 WAS MADE BY STEVE ROE AND SECONDED BY JOHN MOENGEN TO OFFER THE OLD AUDIO/VIDEO

EQUIPMENT TO THE CROSSLAKE COMMUNITY SCHOOL AND IF THE SCHOOL CANNOT NOT USE IT, DECLARE THE EQUIPMENT AS SURPLUS. MOTION CARRIED WITH ALL AYES.

5. CROSSLAKE COMMUNICATIONS –

- a. Crosslake Communication's Bills for Approval – MOTION 12R-15-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE THE OCTOBER 2012 BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$636,611.23. MOTION CARRIED WITH ALL AYES.
- b. The Highlights Report for October was included in the packet for Council review. Paul Davis reported the Advisory Board recommended the appointment of an alternate member to the Board. MOTION 12R-16-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPOINT STEVEN KOLLMANN AS AN ADDITIONAL ALTERNATE TO THE CROSSLAKE COMMUNICATIONS ADVISORY BOARD. MOTION CARRIED WITH ALL AYES. Mr. Davis also noted that Golf HD and Cooking HD channels were being added to the high definition programming.
- c. The Crosslake Communications Meeting Minutes of November 27, 2012 were included in the packet for Council information.
- d. The Crosslake Communications Customer Counts Report was included in the packet for Council information.

6. RECYCLING –

- a. The Crosslake Roll-Off Recycling Report for November 2012 was included in the packet for Council information.
- b. The Waste Partners Recycling Report for October 2012 was included in the packet for Council information.

7. PLANNING AND ZONING –

- a. The Planning and Zoning Commission/Board of Adjustment Regular Meeting Minutes and Public Hearing of October 26, 2012 were included in the packet for Council information.
- b. The November 2012 Permit Summary was included in the packet for Council information. Ken Anderson noted that permits were issued for 3 new homes in November with a year to date total of 32 new homes. 423 permits have been issued so far in 2012. The year-to-date valuation for 2012 is \$8,339,261, an increase of \$2,680,327 from 2011.
- c. The Planning and Zoning Commission Meeting Schedule for 2013 was included in the packet for Council review. The Commission is scheduled to meet the fourth Friday of the month. The meeting dates for May and December have been adjusted due to the Memorial Day and Christmas holidays. MOTION 12R-17-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO APPROVE THE 2013 PLANNING AND ZONING COMMISSION MEETING SCHEDULE AS PRESENTED. MOTION CARRIED WITH ALL AYES.
- d. A memo dated December 10, 2012 from the Planning and Zoning Commission regarding a recommendation for 2013 Planning and Zoning Commission

appointments was included in the packet for Council information. Due to Gary Heacox's seat becoming vacant when he is sworn in as Council Member in January, the Planning and Zoning Commission recommends that the Mayor and City Council appoint Alternate Nancy Addington to fill the remainder of his term until January 2015. They also recommend that Aaron Herzog be appointed to his first three-year term beginning February 1, 2013. The Mayor and City Council make Commission appointments at the organizational meeting in January.

- e. A memo dated December 10, 2012 from Ken Anderson regarding the P&Z Commission recommendation to modify and extend the Conditional Use Permit for Gordon and Alma Siemers for the proposed car wash and detail shop was included in the packet for Council review. Ken Anderson stated that the Planning and Zoning Commission initiated a revocation or modification of the conditional use permit for the Siemers car wash and detail shop at 35724 County Road 3. The hearing was held on November 16, 2012 due to noncompliance with the approved conditions of approval. The Commission recommended 1.) The City Council extend the permit until July 1, 2013 subject to temporary erosion control measures being put in place no later than December 1, 2012 in accordance with the suggested erosion control plan submitted by the City Engineer, and 2.) If the temporary erosion control measures are not in place by December 1, 2012, then the Commission is recommending the City Council revoke the conditional use permit. City Engineer Dave Reese reviewed his proposed erosion control plan and stated that the Siemers were able to complete some of the measures before the snow fell. It was difficult to inspect the entire site because of the snow cover. He could see that some erosion blankets were in place and some grading had been done. Mr. Reese suggested that the project be put on hold until spring to see if a freeze/thaw cycle will help with water drainage and turf establishment, however, an additional erosion control blanket is recommended at the Northwest and Southwest corners of the subject property as outlined in his plan. Due to the significant snow accumulation over the weekend and winter conditions, the City Engineer suggested the erosion control blanket not be installed until such time as the soil is exposed and said erosion control measures may be properly installed. Dave Reese stated that further inspection of the infiltration in the County ditch was discussed with the property owner/conditional use permit holder and said inspection would be completed in the spring to determine if additional measures would be required of the property owner to remedy any remaining infiltration issues located within the County ditch. The Planning and Zoning Commission's recommendation was also forwarded to the Crow Wing County Highway Department to allow them to review and comment as well. The County has previously expressed concern with the lack of turf establishment, storm water runoff, and possible sediment deposits accumulating within the County Road 3 right-of-way. Dean Swanson asked what the City Engineer would recommend. Dave Reese replied that unless the ground were to thaw before spring, the Siemers would not be able to do any more work at the site and suggested that the City wait until late April or early May to see the condition of the site. Ken Anderson noted that the Planning and Zoning Commission has taken this matter very seriously and has extended the permit twice so far. He stated that the Siemers have done a lot of work so far and that the property owner is always responsible for erosion control. Currently there is a pet grooming business and a used

car sales business in the building. MOTION 12R-18-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY DARREL SCHNEIDER TO APPROVE RESOLUTION 12-24 MODIFYING AND EXTENDING CONDITIONAL USE PERMIT C2012-006 FOR GORDON AND ALMA SIEMERS WITH ADDITIONAL CONDITIONS UNTIL JULY 1, 2013. MOTION CARRIED WITH ALL AYES.

- f. A memo dated December 10, 2012 from the Planning and Zoning Commission regarding an ordinance amendment authorizing temporary fences and clarifying standards and setbacks was included in the packet for Council review. Ken Anderson stated that the Planning and Zoning Commission held several meetings for over seven months on the proposed ordinance amendment regarding fencing. The original purpose in proposing the amendment was to allow temporary fencing to be installed without a permit on construction sites for public safety purposes and for snow fences to be erected during the appropriate season. Mr. Anderson noted that residents also use temporary fencing to keep deer from yards and motorized vehicles off of property. The proposed ordinance would authorize temporary fences without a permit and change side-yard setbacks for fencing to be a minimum of one foot from the side and rear property line, except that fencing may be placed up to and on the lot line with the written permission of the adjacent property owner. Mayor Schneider asked if it was common to allow fencing on the property lines. City Attorney Couri replied that it is common practice to allow fencing on property lines and that fencing regulations vary greatly from one city to the next. If property owners agreed to fencing on the property line, the fence would be grandfathered in if one or both of the property owners were to sell. Ken Anderson noted that the 10-foot setback required for the property facing the road right-of-way was not changed so that there was room for utilities and snow storage. MOTION 12R-19-12 WAS MADE BY DARRELL SCHNEIDER AND SECONDED BY JOHN MOENGEN TO APPROVE ORDINANCE AMENDMENT NO. 310 TO CHAPTER 26, ARTICLE 111, DIVISION 5, FENCE STANDARDS, TO AUTHORIZE TEMPORARY FENCES AND CLARIFY STANDARDS AND SETBACKS. MOTION CARRIED WITH ALL AYES.

MOTION 12R-20-12 WAS MADE BY STEVE ROE AND SECONDED BY DARRELL SCHNEIDER TO PUBLISH ORDINANCE NO. 310 IN SUMMARY FORM IN THE OFFICIAL NEWSPAPER. MOTION CARRIED WITH ALL AYES.

- g. A memo dated December 10, 2012 from Ken Anderson regarding enforcement action for failure to meet permit conditions for land alterations at 12635 Arrowhead Lane owned by Mathias and Teresa Kuker was included in the packet for Council review. Ken Anderson showed before and after pictures of land alterations done at the Kuker residence. The property owners have failed to maintain a native buffer strip by not allowing the native grass seed blend to grow unimpeded by mowing within the shore impact zone as their land alteration permit required. The intent was to maintain a natural shoreline to buffer stormwater runoff from the site and filter nutrients and sediments before runoff into Cross Lake. Ken Anderson contacted Mr. Kuker by phone and informed him of the need to discontinue mowing the areas planted with

native seeds. The property has continued to be mowed and maintained to the lake since the September 14, 2012 letter was sent. No further contact has occurred with the property owner. The beach sand blanket is not accessible from the existing walkway and access path. The property owner could be allowed to install and space field stones a maximum of 4-feet wide from the existing walk to the beach sand blanket in a second access path utilizing the shortest possible route since the width of the lot at the lake exceeds 100 feet. MOTION 12R-21-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY DARRELL SCHNEIDER TO AUTHORIZE THE CITY ATTORNEY TO INITIATE ENFORCEMENT ACTION TO COMPEL THE PROPERTY OWNER, MATHIAS AND TERESA KUKER TO 1.) OBSERVE A "NO MOW" ZONE WITHIN THE NATIVE SEED AREA OF THE SHORE IMPACT ZONE (OUTSIDE OF THE 15 FOOT WIDE ACCESS PATH TO CROSS LAKE), AND 2.) ALLOW THE PROPERTY OWNER TO PLACE STEPPING STONES A MAXIMUM OF 4 FEET WIDE FROM THE EXISTING WALK TO THE BEACH SAND BLANKET UTILIZING THE SHORTEST POSSIBLE ROUTE. Mayor Schneider lives nearby and stated he was happy to see the improvements that the property owner has made. Dean Swanson stated that the owner just needs to stop mowing to be in compliance. Mr. Kuker appeared before the Council and stated he was disappointed that he was not informed of this meeting. Mr. Kuker argued that the condition of the land is much better than it was when he purchased it. Mayor Schneider replied that there is a great advantage to having native plants buffer the shoreline because they are stable and have strong roots. It is common to require bushes be planted as well. Ken Anderson stated that he appreciates the improvements made so far but that it is necessary to stop the runoff before it gets to the lake. Mayor Schneider invited Mr. Kuker to his property to see the native plants on his shoreline and noted the Soil and Water Conservation District helped him with the project. Steve Roe suggested that the SWCD help Mr. Kuker as well. MOTION CARRIED WITH ALL AYES.

8. PERSONNEL COMMITTEE –

- a. A memo dated December 10, 2012 from the Personnel Committee recommended the closing of City facilities on Christmas Eve. All City facilities would be closed except for the Community Center that will be open from 8-4, the Public Works Department in the case of a snowstorm and the Police Department. Employees will be required to use a Personal Day, vacation day or compensatory time. If an employee does not have time to use they can take the day off without pay or come to work with their department head's approval. MOTION 12R-22-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO CLOSE CITY HALL, THE PUBLIC WORKS FACILITY AND CROSSLAKE COMMUNICATIONS ON MONDAY, DECEMBER 24, 2012. THIS WOULD NOT INCLUDE THE COMMUNITY CENTER, PUBLIC WORKS STAFF IN CASE OF A SNOWSTORM AND THE POLICE DEPARTMENT. MOTION CARRIED WITH ALL AYES.
- b. A memo dated December 10, 2012 from the Personnel Committee recommended the hiring of a Heavy Equipment/Sewer Operator. The City received 27 applications for the position. A point value was assigned based on education, experience and veterans

preference and each application was ranked. The Personnel Committee interviewed seven applicants. Following the interviews the Committee discussed which candidate would best fit the needs of the Public Works Department. There was considerable discussion regarding the adaptability with other Staff and overall qualifications. Each member of the Committee noted that all of the candidates were highly qualified and each possessed a unique skill set that would be an asset to the City. It was the unanimous choice to offer the position to Leigh Martineau. MOTION 12R-23-12 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO OFFER THE POSITION OF HEAVY EQUIPMENT/SEWER OPERATOR TO LEIGH MARTINEAU STARTING AT STEP 7 OF THE AFSCME UNION CONTRACT, BENEFITS AS STATED IN THE AFSCME UNION CONTRACT AND CONTINGENT ON ACCEPTANCE OF THE POSITION, WAGES AND BENEFITS BY LEIGH MARTINEAU. MOTION CARRIED WITH ALL AYES.

- c. A memo dated December 10, 2012 from the Personnel Committee requested approval of required changes to the City's Flex Plan. The changes will comply with the Affordable Care Act of 2010 that salary reductions and certain employer contributions to a Health Flexible Spending Account be limited to \$2,500. The previous limit was \$3,000. MOTION 12R-24-12 WAS MADE BY DEAN SWANSON AND SECONDED BY JOHN MOENGEN TO APPROVE RESOLUTION 12-25 RELATING TO THE CITY OF CROSSLAKE CAFETERIA PLAN. MOTION CARRIED WITH ALL AYES.
- d. City Administrator Tom Swenson distributed and read his letter of resignation dated December 10, 2012 and addressed to Mayor Schneider. After being approached by Mayor Schneider and Council Member Moengen to discuss his retirement plans in order to accommodate the new Councils plan to restructure City Management, Mr. Swenson requested consideration of a benefit package to include single health insurance coverage until age 65 if he agreed to retire. Following two separate meetings both Schneider and Moengen stated they would be in favor of the insurance package. Moengen and Schneider then met with Attorney Brad Person to discuss the benefit package. After receiving negative feedback from the community regarding a benefit package for Mr. Swenson, Mayor Schneider told Swenson he could no longer support the idea. The letter also noted that Council Member Elect Wessels and Mayor Schneider had approached some City staff, but not all, to assure them their jobs were secure. This has led to a hostile work environment and a negative impact on employee morale throughout the City. Mr. Swenson tendered his resignation as City Administrator, under protest, with his last day of employment December 31, 2012 and requested that the proposed Employment Benefit Agreement be approved. The Employee Benefit Agreement follows the format of the Agreement which was approved by the City Council for former City Clerk Arlene Buchite. The Agreement provides for payment of accumulated benefits allowed under the City of Crosslake Employee Handbook with the exception of allowing 100% payment of single health insurance coverage until age 62 which would be 41 months instead of 50% payment for 36 months as called for in the Employee Handbook for 15 ½ years of service. MOTION 12R-25-12 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO ACCEPT THE RESIGNATION OF TOM SWENSON AS CITY ADMINISTRATOR WITH HIS LAST DAY OF EMPLOYMENT DECEMBER 31.

2012 AND TO AUTHORIZE THE MAYOR TO EXECUTE THE EMPLOYMENT BENEFIT AGREEMENT. THE AGREEMENT PROVIDES FOR PAYMENT OF ACCUMULATED BENEFITS ALLOWED UNDER THE CITY OF CROSSLAKE EMPLOYEE HANDBOOK WITH THE EXCEPTION OF ALLOWING 100% PAYMENT OF SINGLE HEALTH INSURANCE COVERAGE UNTIL AGE 62 WHICH WOULD BE 41 MONTHS INSTEAD OF THE 50% PAYMENT FOR 36 MONTHS AS CALLED FOR IN THE EMPLOYEE HANDBOOK FOR 15 ½ YEARS OF SERVICE. Dean Swanson stated that it is difficult to accept Mr. Swenson's resignation because Mr. Swenson has been an excellent employee and he agrees 100% with the Employment Benefit Agreement. Mr. Swanson added that Crosslake will suffer as a result of this resignation. Steve Roe stated that staff and the Council have been working on debt reduction for the last few years and that Tom Swenson did an excellent job of keeping the City financially stable. Chief Hartman stated that Tom Swenson is an outstanding boss and friend and that his door was always open to work with staff on issues. Mayor Schneider stated that Mr. Swenson's letter was not entirely correct in his opinion but much of it was the basic truth. Business owner and resident Pat Netko asked how much this would cost the City, not just the dollar amount. Mayor Schneider replied that the approximate payout of sick leave is \$17,000, vacation leave is \$10,000 and 50% of health insurance is \$20,000 for three years. Dean Swanson noted that the only extra cost in the agreement is increasing single insurance coverage to 100% until age 62. Everything else is provided under the retirement conditions of the Employee Handbook. Pat Netko stated that the new Council members have not even been sworn in yet and are already working with the current Councilmembers making personnel decisions and questioned if that was illegal. City Attorney Mike Couri replied that the law is not clear on council elect members and couldn't say for sure that it is technically illegal. Darrell Schneider stated that community members influenced his decision in this matter. MOTION PASSED 4-1 WITH SCHNEIDER VOTING NAY. Rusty Taubert indicated his disapproval of the actions of Schneider and Moengen and the way they handled the situation. City Attorney Couri cautioned the Council that the City Code allows for a City Administrator and with the acceptance of Mr. Swenson's resignation, the City would not be covered from January 1-14, 2013 when the new Council holds its first meeting. John Moengen stated that Jenny Max would be capable of performing those duties. Steve Roe asked if Moengen had approached Jenny Max to see if she was interested in taking over those duties and stated that Moengen and Schneider were shooting from the hip. John Moengen replied that Tom Swenson approached him over the summer and stated he was training Jenny Max to take over the City Administrator position so that he could retire at any time. Mayor Schneider stated that all he and Moengen did was to ask Mr. Swenson what his retirement plans were. MOTION 12R-26-12 WAS MADE BY DARRELL SCHNEIDER AND SECONDED BY JOHN MOENGEN TO APPOINT JENNY MAX AS INTERIM CITY ADMINISTRATOR EFFECTIVE JANUARY 1, 2013. Steve Roe asked the City Attorney if this was allowable. Attorney Couri replied that because there is no name attached to the City Administrator job description, the motion is fine as is. MOTION CARRIED WITH ALL AYES.

H. CITY ATTORNEY REPORT – Included in the packet for Council information was an update from the City Attorney regarding pending enforcement issues dated December 6, 2012.

I. OLD BUSINESS – None.

J. NEW BUSINESS – Dean Swanson addressed the Council and audience and stated that the last 25 years of his work with the City have been very good and he is proud to have helped with the accomplishment of many big projects. These projects include the Community Center building, the Emergency Services building, the new ambulance addition, the sewer plant and sewer system, and the Joint Maintenance Facility. Dean Swanson stated he is proud of what Crosslake has become and believes that Crosslake will survive the politics of the next Council.

Rusty Taubert stated that as he leaves office he wishes the staff well with the reorganization of the City and stated he is not fond of the matter.

K. PUBLIC FORUM – Pat Netko thanked Council Members Swanson and Taubert for their service to the community and then turned to Mayor Schneider and stated she was appalled by his actions along with those of John Moengen and Mark Wessels. She stated that their meetings may not have been illegal, but they were definitely unethical. Ms. Netko continued that the new Council scares her and that she and the community need to pay attention to what changes they are making. She asked if Schneider and Moengen consulted retired City Clerk Darlene Roach to find out why the City felt the need to hire a City Administrator. At many meetings she noted that the Mayor turns to Swenson for answers and explanations. She exclaimed that private meetings and special agendas of the Council were wrong. Ms. Netko reminded the Mayor that he was only going to stay in office for one term and now he is into his second term.

Dean Swanson stated that he and Darlene Roach could confirm that the City was in a state of disaster before they hired a City Administrator.

Darlene Roach appeared before the council and stated she came tonight to thank Dean and Rusty for their service to the community. After hearing the dialog of what has transpired recently, she told Schneider and Moengen that it is disgusting. All of the road improvements, new buildings and sewer system were accomplished because Tom Swenson was the City Administrator. She stated she is sorry for the City and sorry for what they are doing to Mr. Swenson.

John Moengen stated that it was Tom Swenson's choice to retire. He was not forced. Pat Netko noted that his letter said he was resigning under protest.

Attorney Mike Couri stated that it has been a pleasure to work with Tom and that Crosslake is an amazing City that does things no other City does.

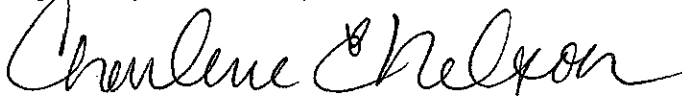
Chief Hartman thanked Rusty and Dean for their service to the City and noted that he has been working for the City for 17 years and has seen the benefits that Tom Swenson has made.

Jon Henke thanked Dean and Rusty for their service to the City and stated that it has been an honor to work for Tom Swenson.

Resident Mark Lafon addressed the Council and stated that he has been coming to Crosslake since 1965. He is disappointed with the lack of responsiveness from the Council, especially when they were presented with a petition signed by over 400 citizens and business owners to reduce the budget in 2011. The only thing the Council cut was the fireworks. Mr. Lafon stated that there are too many empty storefronts in town and that it is tough to do business here. He stated the new members to the Council were elected because this Council ignored the petition. He welcomes the new members and stated that the community needs to support them.

L. ADJOURN -- MOTION 12R-27-12 WAS MADE BY DARRELL SCHNEIDER AND SECONDED BY RUSTY TAUBERT TO ADJOURN THIS REGULAR MEETING AT 10:20 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,

A handwritten signature in cursive script, appearing to read "Charlene Nelson".

Charlene Nelson
Deputy Clerk

Deputy Clerk/Minutes/12-10-12


RESOLUTION NO. 12-23
RESOLUTION APPROVING 2012 TAX LEVY
COLLECTIBLE IN 2013

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 2012, upon taxable property in the City of Crosslake, for the following purposes:

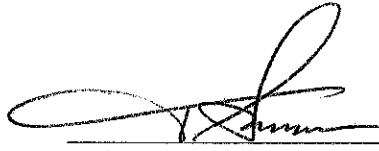
General Property Tax Levy	2,052,117
Debt Service Tax Levy	23,305
Emergency Services Center	43,743
2003 Series A Disposal	221,000
2006 Series B	133,746
2012 Series A	<u>236,005</u>
Total Levy	2,709,916

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 10, 2012.



Darrell Schneider
Mayor



Thomas N. Swenson
City Administrator

CITY OF CROSSLAKE
2012-2013
PRELIMINARY BUDGET COMPARISON

REVENUE BUDGET	2012 Adopted	2013 Proposed
General Property Tax Levy	2,008,604	2,052,117
General Fund Revenues	643,864	657,077
Emergency Services Center	50,883	43,743
2001 Series A	34,155	0
2002 Series A	24,000	51,555 *
2003 Joint Facility Levy	111,262	0
2003 Series A Disposal	220,400	221,000
2004 Series A	109,046	0
2006 Series B	132,746	133,746
2012 Series A	0	236,005
County Payment Joint Facility	119,720	124,550
Transfer from Sewer Project Fund to Sewer Operating Fund	1,990	0
Special Assessments	77,528	56,186
Debt Service Interest Income/Penalties	1,500	1,500
Sewer User Fees/Penalties	192,716	197,672
TIF District Revenues	35,000	15,000
Debt Service Tax Levy	18,820	23,305
Total Revenues	3,782,234	3,813,456

* Payment made from debt service reserve funds

EXPENDITURE BUDGET

	2012 ADOPTED			
	OPERATING	CAPITAL	DEBT	TOTAL
Council	30,666			30,666
Administration	310,271	1,000		311,271
Elections	4,300			4,300
Audit/Legal	43,000			43,000
Planning & Zoning	274,194	2,000		276,194
General Govt	122,750	19,000		141,750
Police	484,221	31,000		515,221
Fire	119,997	34,000	16,767	170,764
Ambulance	13,736			13,736
Public Works	429,934	265,000	16,021	710,955
Cemetery	2,060	2,000		4,060
Park & Rec	350,539	22,000		372,539
Library	47,237			47,237
Recycling	32,440			32,440
TIF	35,000			35,000
Sewer	192,206	2,500		194,706
Emer Service Center			48,885	48,885
2001 Series A			51,570	51,570
2002 Series A			48,636	48,636
2003 Joint Facility			225,886	225,886
2003 Series A Disposal			207,329	207,329
2004 Series A			131,280	131,280
2006 Series B			163,921	163,921
2012 Series A			0	0
Bond Disclosure			888	888
TOTALS	2,492,551	378,500	911,183	3,782,234

	2013 PROPOSED			
	OPERATING	CAPITAL	DEBT	TOTAL
	30,776			30,776
	308,295	1,000		309,295
	250			250
	45,000			45,000
	278,029	2,000		280,029
	123,100	76,557		199,657
	490,555	21,000		511,555
	122,652	34,400	16,767	173,819
	13,736			13,736
	437,715	325,700		763,415
	2,060	1,000		3,060
	353,738	35,000		388,738
	47,779			47,779
	32,440			32,440
	15,000			15,000
	187,396	7,500		194,896
			42,085	42,085
				0
			51,555	51,555
				0
			208,040	208,040
				0
			163,690	163,690
			337,753	337,753
			888	888
TOTALS	2,488,521	504,157	820,778	3,813,456
	-0.2%	33.20%	-9.9%	0.8%

BILLS FOR APPROVAL
December 10, 2012

VENDORS	DEPT	AMOUNT
Ace Hardware, discs	PW	17.06
Ace Hardware, spray paint, anti freeze	P&R	34.14
Ace Hardware, drill	P&R	106.86
Ace Hardware, plumbing parts	P&R	5.47
Ace Hardware, velcro	Fire	36.71
Ace Hardware, tape, shipping, shovels	PW	368.08
Ace Hardware, parts	Gov't	4.80
Ace Hardware, start fluid, brake cleaner	PW	22.42
Ace Hardware, parts	PW	20.80
Ace Hardware, vent	P&R	5.12
Ace Hardware, hooks	P&R	24.43
Ace Hardware, adapters	P&R	8.31
Ace Hardware, lights	Gov't	55.51
Ace Hardware, anti-freeze	P&R	4.26
Advanced Diesel Service, install regulator, repair sensor	PW	287.10
Aitkin Implement, oil pump	PW	718.64
Aitkin Implement, filter	PW	23.34
Anderson Brothers, tennis courts	P&R	11,873.00
AW Research, water testing	Sewer	372.90
Baratto Brothers, re-roof sewer plant	Sewer	2,950.00
Batteries Plus, batteries	PW	135.12
Black Diamond, tree removal	PW	347.34
City of Crosslake, sewer utilities	PW/Gov't	108.00
Clean Team, december cleaning	Gov't	756.14
Council #65, union dues	ALL	500.00
Crosslake Auto Body, impound caravan	Police	97.52
Crosslake Demolition, washed sand	PW	1,081.58
Crosslake Demolition, washed sand	PW	376.20
Crosslake Portable Welding, repairs	PW	410.75
Crosslake Rolloff, debris removal	Gov't	409.20
Crow Wing County Attorney, september fines	Gov't	1,057.08
Crow Wing County Highway Dept, fuel	ALL	5,041.55
Crow Wing County Highway Dept, street signs	PW	3,921.50
Crow Wing County Treasurer, e911 addresses	Gov't	125.00
Dacotah Paper, janitorial supplies	P&R	159.01
Darrell Schneider, reimburse mileage	Council	18.31
Deferred Comp	ALL	226.92
Delta Dental, dental insurance	ALL	1,511.30
Fire Instruction & Rescue, rit training	Fire	550.00
Fire Instruction & Rescue, m.i.t. certification class	Fire	850.00
Fortis, disability	ALL	508.53
Frandsen Bank, safety deposit box	Gov't	85.00
Hawkins, chemicals	Sewer	811.70
Holiday Station, diesel fuel	Fire	8.56
Holiday Station, diesel fuel	Fire	104.76

Holiday Station, unleaded gas	Fire		41.32
Lakes Gas, gas	PW		480.62
League of MN Cities, insurance deductible	Gov't		250.00
Marco, coper lease	ALL	pd 11-26	428.25
Marsden, office cleaning	PW		647.66
Mastercard, Amazon.com, paper	P&Z	pd 11-26	37.88
Mastercard, Dept of Agriculture, tree registry	PW		25.50
Mastercard, Fleet Farm, heater, washer fluid	PW		34.33
Mastercard, Fleet Farm, brake cleaner, uniform, pails	PW		117.73
Mastercard, Fleet Farm, battery pack, grease gun	PW		287.77
Mastercard, Healthways, silver sneakers equipment	P&R	pd 11-26	181.00
Mastercard, JCPennneys, uniform	Sewer		145.00
Mastercard, MN Dept Agriculture, tree registry	PW		25.50
Mastercard, Raffertys, 11/16 meeting	P&Z		48.06
Mastercard, Raffertys, personnel meeting	Gov't		32.04
Mastercard, travel expenses	Police	pd 11-26	45.32
Medica, health insurance	ALL		26,061.73
Menards, janitorial supplies, multi reel	PW		234.68
Menards, irrigation pipe	PW		2,292.94
MN Benefits	Admin	pd 12-4	201.42
MN Life, life insurance	ALL		409.40
Moonlite Square, fuel	Fire		16.42
Moonlite Square, batteries	Fire		16.20
MWOA, membership dues	Sewer		25.00
NCPERS-Life Insurance	ALL		160.00
Neopost, rate change software	P&Z/Admin		105.81
North Ambulance, subsidy	Ambulance	pd 12-4	1,103.00
North Country Plumbing, ambulance addition	Gov't		4,500.00
Northland Press, meeting notice of 11/16	P&Z		164.00
Northland Press, meeting notice of 12/10	P&Z		76.00
Outsource Architecture, consulting	Ambulance	pd 11-19	1,000.00
Parts City, start fluid	PW		6.82
Parts City, brake cleaner	PW		14.96
Parts City, fuel hoses	PW		19.28
Parts City, belts	PW		28.73
Parts City, socket set	PW		26.71
Parts City, spring	PW		28.48
Parts City, rotella, gel, sealant	PW		91.70
People's Security, annual monitoring fee	P&R		269.20
PERA	ALL		N/A
Provident Life & Accident, disability insurance	Admin		736.40
Public Safety Equipment, certification of radars	Police		198.00
Robert Laven, reimburse membership	P&R		75.00
Simonson Lumber, plywood	P&R		17.14
Simonson Lumber, ambulance addition	Gov't		30,579.27
State and Federal Taxes	ALL		N/A
Streichers, holster	Police		50.75
Synergy Graphics, receipts	Admin		124.48
Teamsters Local Union #346, union dues	Police	pd 12-4	183.00
The Office Shop, hanging folders	P&Z/Admin		22.42
The Office Shop, clips	P&Z/Admin		12.92

Tim Green, bobcat repair	PW	pd 11-26	3,600.00
Tom Swenson, vehicle expense	Admin	pd 12-4	400.00
Top Health, payroll inserts	Admin		126.54
Tri State Bobcat, bearings, gasket, oil pump, belt	PW		1,276.02
Tri State Bobcat, belt, ring set	PW		348.70
Verizon, air card and ipad charges, cell phone charges	ALL		601.47
Viking Electric, bulbs	P&R		31.68
Waste Partners, trash removal	ALL		217.52
Whitefish Auto, mount and balance tires	Police		42.57
Whitefish Auto, mount and balance tires	Police		42.57
Whitefish Auto, replace alternator	Police		562.90
Whitefish Auto, oil change	Police		35.23
Widseth Smith Nolting, engineering fees	ALL		1,152.80
Xcel Energy, gas utilities	ALL		1,090.47
TOTAL			117,348.33

ADDITIONAL BILLS FOR APPROVAL
December 10, 2012

VENDORS	DEPT	AMOUNT
Arrowhead Reg Law Enforcement Training, precision driving	Police	270.00
AW Research, water testing	Sewer	113.40
Brainerd Dispatch, employment ad	PW	29.25
Couri & Ruppe, legal fees	ALL	1,698.75
Crosslake Communications, phone, fax, cable, internet	ALL	1,760.82
Crosslake Rolloff, recycling	Gov't	2,695.00
Crosslake Sheet Metal, replace motor and capacitor	Gov't	385.45
Culligan, water and cooler rental	PW/Gov't	52.72
Donna Keiffer, silver sneakers class	P&R	176.00
Donna Keiffer, aerobics session #11	P&R	123.84
Heartland Tire, oil change, brake inspection	PW	69.27
Holmwig Excavating, ski trails	P&R	2,154.59
Jon Henke, reimburse for uniform expense	P&R	300.00
Northland Press, sealed bids ad	Police	52.00
Pickle Events, timing service for monster dash	P&R	820.00
The Office Shop, copy paper	P&Z/Admin	160.27
The Office Shop, folders, sheet protectors	P&Z/Admin	14.94
Ziegler Cat, repair	PW	93.05
TOTAL		10,969.35

G.5.a.

CROSSLAKE COMMUNICATIONS
Accounts Payable
Check Register
10/01/2012 To 10/31/2012

General Account

Check / Tran	Date	Vendor Name	Reference	Amount
638	10/12/2012	INTERNAL REVENUE SERVICE	FED, FICA & MEDICARE	6,208.61
639	10/12/2012	PERA	PERA EE & ER	3,777.67
640	10/12/2012	MINNESOTA DEPT OF REVENUE	MN WITHHOLDING	1,144.73
641	10/12/2012	ING-DEFERRED COMP	DEFERRRD COMP EE & ER	2,308.07
642	10/10/2012	CITY OF CROSSLAKE (SEWER)	SEPTEMBER SEWER	36.00
643	10/31/2012	INTERNAL REVENUE SERVICE	OCTOBER EXCISE TAX	1,112.85
657	10/26/2012	INTERNAL REVENUE SERVICE	FED, FICA, MEDICARE	7,001.24
658	10/26/2012	PERA	PERA EE & ER	3,801.96
659	10/26/2012	MINNESOTA DEPT OF REVENUE	MN WITHHOLDING	1,311.30
660	10/26/2012	ING-DEFERRED COMP	DEFERRED COMP	2,308.07
661	10/26/2012	CROW WING POWER	SEPT ELEC SERVICE	4,705.50
662	10/31/2012	MINNESOTA DEPT OF REVENUE	OCTOBER SALES & USE TAX	11,413.00
28013	10/10/2012	PAUL BUNYAN COMMUNICATIONS	OCTOBER CHANNEL TRANSPORT	800.00
28014	10/10/2012	BRAINERD LAKES AREA ECON DEVELOPMENT	CORPORATE MEMBERSHIP	350.00
28015	10/10/2012	CROSSLAKE PARTS CITY	SEAT COVERS FOR RONS TRUCK	176.47
28016	10/10/2012	ECHO PUBLISHING & PRINTING INC	FALL SPORTS, CROSSLAKE DAYS	108.00
28017	10/10/2012	CROSSLAKE ROLLOFF	DIRECTORY RECYCLE SEPT/OCT	110.00
28018	10/10/2012	GOPHER STATE ONE CALL	LOCATES	169.65
28019	10/10/2012	ONVOY VOICE SERVICES	6264 PROGRAM, SS7, LAKE LONG DISTANCE	10,855.68
28020	10/10/2012	MOSS & BARNETT	AT&T LEASE AMEND FOR MICROWAVE ANTENNA	1,035.50
28021	10/10/2012	OLSEN THIBLEN CO LTD	499Q, FCC FORM 507	1,203.00
28022	10/10/2012	POWER & TELEPHONE SUPPLY	TS22 TEST SET	289.37
28023	10/10/2012	UNITED PARCEL SERVICE	WEEKLY SERVICE	80.00
28024	10/10/2012	CROSSLAKE COMMUNICATIONS	PHONE SERVICE, COMM CTR VOICE MAIL	1,034.34
28025	10/10/2012	CITY OF CROSSLAKE	4TH QTR SAFETY PROGRAM, OPR TRANSFER	22,850.33
28026	10/10/2012	CITI LITES INC	LOCATES	1,500.00
28027	10/10/2012	XCEL ENERGY	AUG/SEPT NATURAL GAS	56.03
28028	10/10/2012	RICOH USA, INC.	COPIER MAINT 9/23-10/22 OVER THRU 9/22	491.18
28029	10/10/2012	MINNESOTA 9-1-1 PROGRAM	911, TAP & TAM	1,669.15
28030	10/10/2012	NCPERS MINNESOTA	OCTOBER LIFE PREMIUM	48.00
28031	10/10/2012	BRAINERD LAKES AREA CHAMBER	LAKES AREA GUIDE LISTING	595.00
28032	10/10/2012	NATIONAL CABLE TELEVISION COOP	12,000' 1 1/2" DUCT, 3 WAY SPLITTERS	5,304.44
28033	10/10/2012	CENTRAL TRANSPORT GROUP LLC	4 EA DS1'S	2,332.32
28034	10/10/2012	PINNACLE PUBLISHING LLC	TELEPHONE DIRECTORY-2	1,044.62
28035	10/10/2012	ROVI GUIDES	AFFILIATE PAYMENT	300.82
28036	10/10/2012	SHOWTIME NETWORKS INC	AFFILIATE PAYMENT	297.91
28037	10/10/2012	FOX SPORTS NET NORTH	AFFILIATE PAYMENT	8,623.86
28038	10/10/2012	TOWER DISTRIBUTION COMPANY	AFFILIATE PAYMENT	374.55
28039	10/10/2012	LIFETIME	AFFILIATE PAYMENT	1,090.20
28040	10/10/2012	TV GUIDE NETWORK	AFFILIATE PAYMENT	1,077.50
28041	10/10/2012	JOHNSON KILLEN & SEILER PA	RE: TRAINING ISSUES	111.00
28042	10/10/2012	7SIGMA SYSTEMS INC	SEPTEMBER CONSULTING	2,000.00
28043	10/10/2012	ARROW-ASSET RECOVERY	ELECTRONICS RECYCLING	366.45
28044	10/10/2012	CROSSLAKE ACE	STARTER FLUID, CONDUIT, & OTHER MISC.	71.17
28045	10/10/2012	NATIONAL CABLE TEL COOP INC	AFFILIATE PAYMENT	40,094.73
28046	10/10/2012	CINNAMON MUELLER	RE: A&E/LIFETIME	170.00
28047	10/10/2012	KARE GANNETT CO., INC	AFFILIATE PAYMENT	1,381.68
28048	10/10/2012	WASTE PARTNERS INC.	SEPTEMBER TRASH REMOVAL	76.62
28049	10/10/2012	DISCOVERY COMMUNICATIONS INC.	AFFILIATE PAYMENT	179.60
28050	10/10/2012	WEATHER CENTRAL	OCTOBER DATA FEED	195.00
28051	10/10/2012	GE CAPITAL	COPIER LEASE 32 OF 60	362.03
28052	10/10/2012	NORTHLAND PRESS	ADV BOARD OPENING & WORLD @ FING. AD	243.90
28053	10/10/2012	CHARTER COMMUNICATIONS	OCTOBER INTERNET	1,500.00
28054	10/10/2012	TIGER DIRECT	MISC PC ITEMS FOR RESALE	222.11
28055	10/10/2012	HUBBARD BROADCASTING, INC.	AFFILIATE PAYMENT	576.30
28056	10/10/2012	AVNET INC	REPAIR LINE EXTENDER	273.70
28057	10/10/2012	4M FUND F.B.O. 35373-101	FUND DEBT SERVICE RESERVE	37,807.75
28058	10/10/2012	ONLINE INFORMATION SERVICES	6 EXCHANGE REPORTS	46.20
28059	10/10/2012	HUB TELEVISION NETWORKS, LLC	AFFILIATE PAYMENT	33.04
28060	10/10/2012	MAILFINANCE	POSTAGE METER LEASE 10/27-1/26/13	231.36
28061	10/10/2012	BIG 10	AFFILIATE PAYMENT	2,088.75

28062	10/10/2012	TIME COMMUNICATIONS	OCTOBER ANSWERING SERVICE	132.12
28063	10/10/2012	COOPERATIVE NETWORK SERV LLC	OCT LOCAL CHANNEL TRANSPORT	500.00
28064	10/10/2012	VERIZON WIRELESS	CELL PHONES	250.00
28065	10/10/2012	AQUARIUS WATER CONDITIONING INC.	OCT WATER SOFTENER RENTAL	44.89
28066	10/10/2012	DQ TECHNOLOGY	20 EA DSL ROUTERS	1,165.36
28067	10/10/2012	NISC	SEPT. LICENSE FEES - TRAINING	2,446.98
28068	10/10/2012	FOX TELEVISION STATIONS, INC.	AFFILIATE PAYMENT	2,745.18
28069	10/10/2012	CBS TELEVISION STATIONS	AFFILIATE PAYMENT	1,472.18
28070	10/10/2012	DON AMREN	CREDIT REFUND	48.28
28071	10/10/2012	NORIN KORSMO	CREDIT REFUND	33.10
28072	10/10/2012	HENRY W REISS	CREDIT REFUND	48.39
28073	10/10/2012	DONALD KARK	CREDIT REFUND	70.99
28074	10/10/2012	SIGURD ANDERSON	CREDIT REFUND	25.40
28075	10/10/2012	DOROTHY FOSTER	CREDIT REFUND	48.86
28076	10/10/2012	DWIGHT LANDE	CREDIT REFUND	89.69
28077	10/10/2012	D BRUNES	CREDIT REFUND	46.91
28078	10/10/2012	JEFFREY A WESTMAN	CREDIT REFUND	25.80
28079	10/10/2012	YVONNE ANDERSON	CREDIT REFUND	24.83
28080	10/10/2012	ROBERT TROG	CREDIT REFUND	41.04
28081	10/10/2012	HAROLD FOLSOM	CREDIT REFUND	31.96
28082	10/10/2012	TONY KADRLIK	CREDIT REFUND	30.77
28083	10/10/2012	RICHARD RADINTZ	CREDIT REFUND	48.86
28084	10/11/2012	BECKER CROSSLAKE FLOORING	50% PREPAYMENT DUE ON CARPETING	10,877.75
28085	10/26/2012	IBEW LOCAL UNION 949	MAY UNION DUES	435.17
28086	10/25/2012	BRAINERD DAILY DISPATCH	1 YR SUBSCRIPTION RENEWAL	164.00
28087	10/25/2012	EMILY COOPERATIVE TELEPHONE	SEPT BANDWIDTH - 54 MBPS	2,140.00
28088	10/25/2012	LAKES PRINTING	SYSTEM CARDS FOR AMPLIFIER INFO	36.77
28089	10/25/2012	LARRY EVENSON	CAFE PLAN REIMB. BALANCE 215.11	279.89
28090	10/25/2012	MOSS & BARNETT	RE: AT&T LEASE, DIETZ BROS. CONSTRUCTION	4,631.50
28091	10/25/2012	OLSEN THIELEN CO LTD	3RD QTR NECA FILING	970.00
28092	10/25/2012	POWER & TELEPHONE SUPPLY	560 UPS REPLACEMENTS	1,474.97
28093	10/25/2012	CITY OF CROSSLAKE	ANNUAL HEARING TEST-3 EMPLOYEES	79.50
28094	10/25/2012	CITI LITES INC	LOCATES	576.00
28095	10/25/2012	XCEL ENERGY	METER CHGS - SUNRISE & 16	54.48
28096	10/25/2012	DELTA DENTAL PLAN OF MINNESOTA	NOVEMBER DENTAL INSURANCE	1,036.80
28097	10/25/2012	SOLIX	B&C STATEMENT	74.98
28098	10/25/2012	AMERIPRIDE LINEN & APPAREL	RUG & TOWEL SERVICE	83.12
28099	10/25/2012	OPASTCO MEMBERSHIP	ANNUAL DUES 10/1/12 - 9/30/13	3,548.05
28100	10/25/2012	NATIONAL CABLE TELEVISION COOP	FEED THRU BUSHINGS	17.17
28101	10/25/2012	NEUSTAR INC.	SOW M-10612217, LNP M-10612218	114.04
28102	10/25/2012	MERRILL LYNCH	SEPTEMBER VISA CHARGES	3,972.84
28103	10/25/2012	MINNESOTA LIFE INSURANCE CO	NOVEMBER LIFE PREMIUM	197.40
28104	10/25/2012	LIFETIME	AFFILIATE PAYMENT	974.20
28105	10/25/2012	MIKES ELEC OF CROSSLAKE LLC.	REPLACE BULBS & BALLASTS	326.00
28106	10/25/2012	VANTAGE POINT	SEPTEMBER FTP SERVICE	335.00
28107	10/25/2012	CROW WING COUNTY HIGHWAY DEPT.	AUG UNLEADED AND DIESEL FUEL	1,800.60
28108	10/25/2012	CORNERSTONE PUBL GROUP INC.	OCTOBER NEWSLETTER	1,822.50
28109	10/25/2012	EQUUS COMPUTER SYSTEMS INC	COMPUTER FOR RESALE, IP SERVER	4,401.77
28110	10/25/2012	TIGER DIRECT	PORTABLE HDS & USB'S FOR RESALE, SPRAY DUSTER	416.46
28111	10/25/2012	CHERIE E. AYD	OCTOBER OFFICE CLEANING	689.34
28112	10/25/2012	HUBBARD BROADCASTING, INC.	AFFILIATE PAYMENT	514.20
28113	10/25/2012	NTCA GROUP HEALTH PLAN	NOV LIFE & HEALTH PREMIUM	14,126.40
28114	10/25/2012	NISC	OCT BILLING & MISC CHARGES	5,742.81
Total for General Account				268,314.98
1235	10/25/2012	NORTHLAND TRUST SERVICES INC.	BOND PAYMENT	368,296.25
Total for Investment Account				368,296.25
Grand Total :				<u>636,611.23</u>

CITY OF CROSSLAKE

CITY COUNCIL

RESOLUTION NO. 12-24

Original Applicant: Gordon and Alma Siemers
Parcel ID Number: 142020010030009
Case Number: C2012-006 – Modification by Extension
Legal Description: The property is described as Lot 3, Block 1, Wildwood Acres, Section 21, Township 137 North, Range 27 West, Crosslake, MN. The property is located at 35724 County Road 3.

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Crosslake, Minnesota, was held on the 10th day of December, 2012. Mayor Darrell Schneider and Council members John Moengen, Steve Roe, Dean Swanson, and Rusty Taubert were present.

Council member John Moengen introduced the following Resolution No. 12-24 and moved its adoption:

WHEREAS, Gordon and Alma Siemers, received approval of C2012-006 to alter C2010-003 and/or C2008-006 to allow car sales and remove the tanning booth use, relocate a stormwater retention pond, and modify the landscaping, parking configuration and impervious surface features on the property, all within 200 ft. of an adjacent residential zoned property. The approved uses include an automatic car wash, self-serve wash bay, exterior vacuum service, detail service, vehicle sales, office and lease to a dog/animal grooming business, and

WHEREAS, City Ordinance requires a conditional use permit for commercial improvements located within 200 feet of an adjacent residential zoning district, and

WHEREAS, the Planning and Zoning Commission approved the original conditional use permit on June 25, 2010, and submitted Resolution No. PZ-2010-008 for recording purposes at the Crow Wing County Recorder's office via Document No. 0784493, and altered said approval on July 22, 2011, and submitted Resolution No. PZ-2011-008 for recording purposes at the Crow Wing County Recorder's office via Document No. 0799547, and altered said approval again on April 27, 2012, by adopting Resolution PZ-2012-008 (see attached EXHIBIT C) subject to several conditions of approval including the following that read "3. Erosion and sedimentation during construction shall be prevented by the installation of a temporary silt fence or other best management practices (BMPs) between the construction area and the adjacent lots and County State Aid Highway 3 right-of-way *not later than 10 days from the date of this approval,*" and

WHEREAS, the conditional use permit was required to be completed and was set to expire not later than October 15, 2012, and

WHEREAS, the erosion controls and best management practices were not installed within the required time frame, were not maintained, and significant erosion and storm water retention and ponding has repeatedly occurred within the County Road 3 right-of-way in 2012, and

WHEREAS, Crow Wing County staff have stated as recently as September 10, 2012, that "although noticeable work has been started, storm water runoff and possible sediment deposits are still a major concern for us" and "We would like to see turf established and growing in the entire County Road 3 Right of Way, the new approach established to prevent erosion, and all water and sediment contained on your site, out of the road right of way," and

WHEREAS, the City Code reads as follows in Section 26-1446. – Conditional Use Permits, (h) *"(h) Violations of the conditions of a conditional use permit shall be grounds for revocation or modification of the conditional use permit following a hearing before the planning and zoning commission with a minimum of seven days mailed notice to the conditional use permit holder. Following the hearing, the planning and zoning commission shall recommend to the city council whether the conditional use permit should be revoked, modified, or remain unchanged. Upon receiving the recommendation of the planning and zoning commission, the city council shall consider the matter. The city council may, in its discretion, hold an additional public hearing, refer the matter to an administrative law judge for hearing and recommendation, or decide the matter with no further additions to the record. Upon finding a violation of the conditional use permit, the city council may revoke the conditional use permit, modify the conditional use permit, or leave the conditional use permit unchanged."* and

WHEREAS, an area map showing the location of the property is attached hereto as EXHIBIT A, and

WHEREAS, a certificate of survey and site plan showing the proposed location of the structures is attached as EXHIBIT B, and

WHEREAS, the Siemers sent an e-mail on October 10, 2012 in which "We ask at this time that you would renew our Conditional Use Permit for the Carwash (sic)," and

WHEREAS, a public hearing notice for revocation or modification of the conditional use permit was mailed to the property owner/conditional use permit holder per ordinance requirements, and

WHEREAS, the public hearing was held and conducted as scheduled on November 16, 2012, Gordon and Alma Siemers were *not* present, and all public comment was heard by the Commission in writing and/or in person, and

WHEREAS, the Planning and Zoning Commission adopted a motion recommending the City Council modify the Conditional Use Permit 2012-006 by requiring and stating that the temporary erosion control methods must be implemented by December 1, 2012 (see attached EXHIBIT D prepared by the City Engineer). If the temporary erosion controls are not completed, the Planning Commission recommends the City Council revoke the conditional use permit. If the temporary erosion control methods are implemented satisfactorily, then the conditional use permit time for completion is recommended to be extended to July 1, 2013, and

WHEREAS, staff visited the subject property and forwarded digital photos to the City Engineer on Monday, December 3, 2012, and the City Engineer visited the subject property on Monday, December 10, 2012, to evaluate the temporary erosion control methods and the general site conditions in person, and

WHEREAS, the City Engineer has advised the City Council that the temporary erosion control methods have generally been satisfactorily installed as of the time of inspection; however, additional erosion control blanket is recommended at the Northwest and Southwest corners of the subject property per the City Engineer's plan. Due to the significant snow accumulation over the weekend and winter conditions, the City Engineer suggested the erosion control blanket not be installed until such time as the soil is exposed and said erosion control measures may be properly installed, and

WHEREAS, the City Engineer has advised the City Council that further inspection of the infiltration in the County ditch was discussed with the property owner/conditional use permit holder and said inspection would be completed in the spring to determine if additional measures would be required of the property owner to remedy any remaining infiltration issues located within the County ditch, and

WHEREAS, staff has forwarded the Planning Commission recommendation to the Crow Wing County Highway Department for review and comment and no comments were received, and

WHEREAS, the property owner is obligated to monitor and maintain appropriate temporary erosion control measures in place after each and every rain or other storm event and until such time as the permanent site improvements and vegetation have been re-established on the subject property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Crosslake makes the following findings of fact and decision:

FINDINGS OF FACT

1. The Findings of Fact as established by the Planning and Zoning Commission in Resolution No. PZ-2012-008 are hereby adopted by reference.
2. The recommendation submitted by the Planning and Zoning Commission on November 16, 2012, to modify C2012-006 by extending the time for completion to July 1, 2013 is reasonable to allow sufficient time and allow for weather conditions that are suitable to turf establishment and completion of the storm water drainage and other site improvements provided appropriate temporary erosion and sediment controls are in place, monitored, and maintained by the property owner/conditional use permit holder.
3. The City Engineer has inspected the property and advised the City Council that temporary erosion control methods have generally been satisfactorily installed as of the time of inspection; however, additional erosion control blanket is recommended at the Northwest and Southwest corners of the subject property per the City Engineer's plan. Due to the significant snow accumulation over the weekend and winter conditions, the City Engineer suggested the erosion control blanket not be installed until such time as the soil is exposed and said erosion control measures may be properly installed.
4. The City Engineer has advised the City Council that further inspection of the infiltration in the County ditch was discussed with the property owner/conditional use permit holder and said inspection would be completed in the spring to determine if additional measures would be required of the property owner to remedy any remaining infiltration issues located within the County ditch.
5. All conditions of approval as outlined in previous Planning and Zoning Commission approvals for the conditional use permit 2012-006 remain in full force and effect.

DECISION

Accordingly, based on the findings of fact set out above and the records before it, the Crosslake City Council hereby adopts the Findings of Fact and Decision found in this resolution and APPROVES the Planning and Zoning Commission's recommendation to modify by extension to July 1, 2013, the Conditional Use Permit 2012-006, for Gordon and Alma Siemers, property owners, to alter C2010-003 and/or C2008-006 to allow car sales and remove the tanning booth use, relocate a stormwater retention pond, and modify the landscaping, parking configuration and impervious surface features on the property, all within 200 ft. of an adjacent residential zoned property in the LC, Limited Commercial zoning district.

BE IT FURTHER RESOLVED, approval of this modification and extension of Conditional Use Permit 2012-006 shall be subject to all the conditions of approval as previously enacted by the Crosslake Planning and Zoning Commission and as most recently found, in part, in Resolution No. PZ-2012-008 adopted April 27, 2012.

BE IT FURTHER RESOLVED, the City Council hereby directs that the temporary erosion control methods recommended by the City Engineer be fully implemented and that additional erosion control blanket be installed at the Northwest and Southwest corners of the subject property per the City Engineer's plan and recommendation. Due to the significant snow accumulation

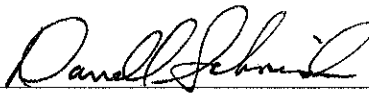
and winter conditions, the erosion control blanket may not be installed until such time as the soil is exposed and weather conditions permit, at which time all erosion control measures shall be properly installed, monitored, and maintained.

The motion for adoption of the foregoing Resolution No. 12-24 was duly seconded by Mayor Darrell Schneider and upon vote being taken thereon, the following voted in favor thereof: Mayor Darrell Schneider and Council members John Moengen, Steve Roe, Dean Swanson, and Rusty Taubert.

The following voted against: None.

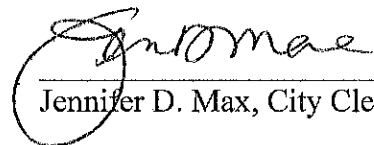
The following abstained from the vote: None.

This resolution was approved and adopted on December 10, 2012, by a 5/5ths vote of the City Council of the City of Crosslake.



Darrell Schneider, Mayor

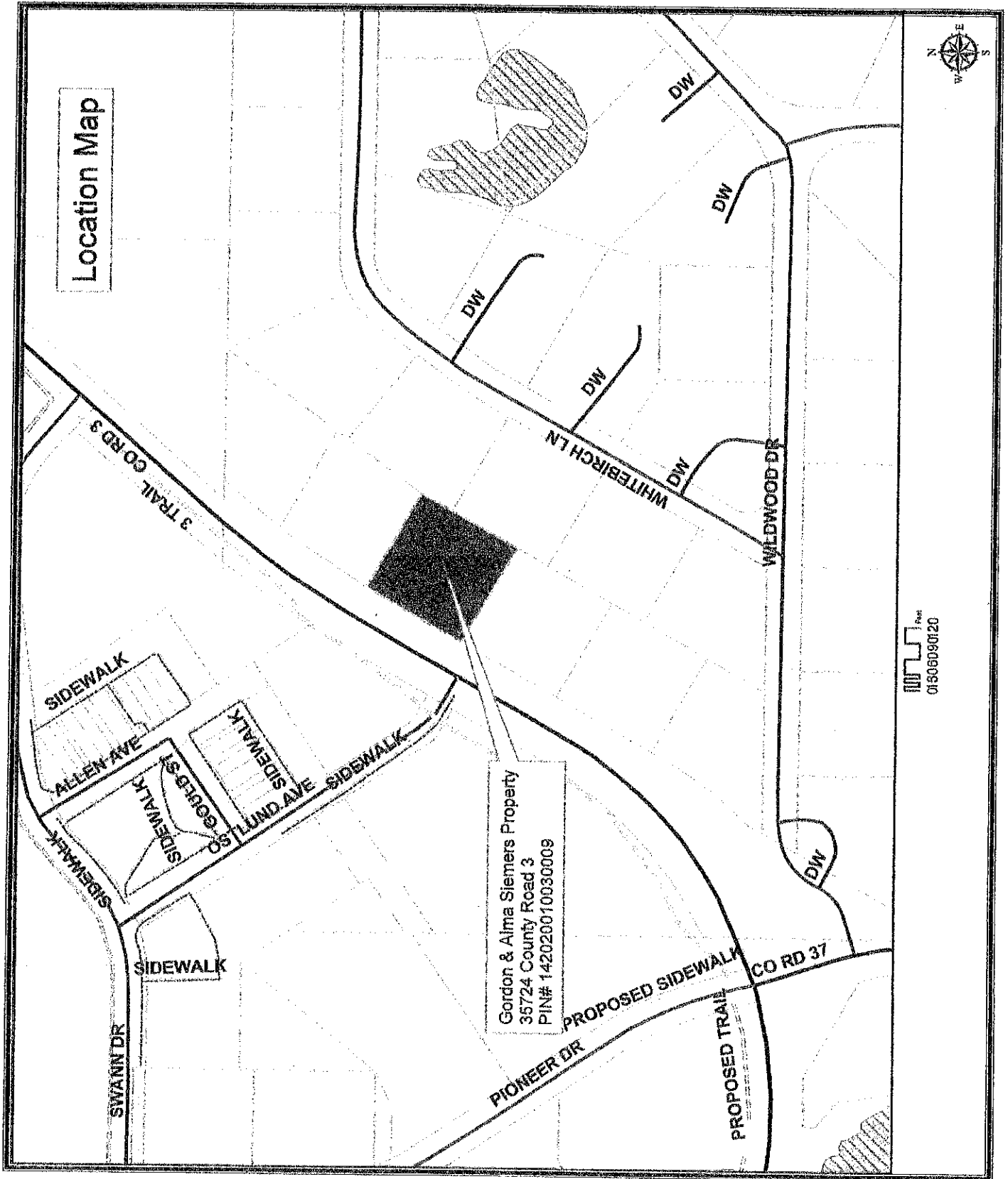
ATTEST:



Jennifer D. Max, City Clerk

Attachments: Exhibit A, Exhibit B, Exhibit C, and Exhibit D

EXHIBIT A



[illegible]

EXHIBIT C

**CITY OF CROSSLAKE
PLANNING AND ZONING COMMISSION/BOARD OF ZONING AD-
JUSTMENT
RESOLUTION NO. PZ-2012-008**

Applicant: Gordon and Alma Siemers
Parcel ID Number: 142020010030009
Case Number: C2012-006
Legal Description: The property is described as Lot 3, Block 1, Wildwood Acres, Section 21, Township 137 North, Range 27 West, Crosslake, MN. The property is located at 35724 County Road 3.

Pursuant to due call and notice thereof, a regular meeting and public hearing of the Planning and Zoning Commission/Board of Zoning Adjustments of the City of Crosslake, Minnesota, was held on the 27th day of April, 2012. Commissioners Dale Melberg, Nancy Addington, Ron Hagen, Dave Schrupp and Gary Heacox were present.

Ron Hagen introduced the following Resolution, PZ-2012-008, and moved its adoption:

WHEREAS, the applicants, Gordon and Alma Siemers, are requesting approval of a CUP to alter C2010-003 and/or C2008-006 to allow car sales and remove the tanning booth use, relocate a stormwater retention pond, and modify the landscaping, parking configuration and impervious surface features on the property, all within 200 ft. of an adjacent residential zoned property. The proposed uses include an automatic car wash, self-serve wash bay, exterior vacuum service, detail service, vehicle sales, office and lease to a dog/animal grooming business, and

WHEREAS, City Ordinance requires a conditional use permit for commercial improvements located within 200 feet of an adjacent residential zoning district, and

WHEREAS, the Planning and Zoning Commission approved the conditional use permit on June 25, 2010, and submitted Resolution No. PZ-2010-008 for recording purposes at the Crow Wing County Recorder's office via Document No. 0784493, and altered said approval on July 22,

2011, and submitted Resolution No. PZ-2011-008 for recording purposes at the Crow Wing County Recorder's office via Document No. 0799547, and

WHEREAS, an area map showing the location of the property is attached hereto as EXHIBIT A, and

WHEREAS, a certificate of survey and site plan showing the proposed location of the structures is attached as EXHIBIT B, and

WHEREAS, a public hearing notice was published and mailed per ordinance requirements, and

WHEREAS, the public hearing was held and conducted as scheduled on April 27, 2012, and all public comment was heard by the Commission in writing and/or in person.

NOW, THEREFORE, BE IT RESOLVED that the Planning and Zoning Commission/Board of Zoning Adjustment makes the following findings of fact and decision:

FINDINGS OF FACT

1. The proposed commercial development is appropriate.
2. The construction of the proposed commercial development and proposed uses conform to the comprehensive land use plan.
3. The construction of the proposed commercial development is compatible with the existing neighborhood consisting of residential uses, limited commercial uses, and planned development district uses across CSAH 3.
4. With conditions, the proposed commercial development would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance, or prosperity of the area.
5. The property meets the necessary pre-existing lot requirements and size requirements necessary for the issuance of a conditional use permit.
6. The revised site plan and building plans meet the minimum ordinance requirements and all standards in terms of parking, loading, traffic management and circulation, access, signs, lighting, landscaping, drainage, impervious surface area, screening, architectural/appearance standards, and visual standards.
7. The proposed water service by private well and the sanitary sewer service by the onsite subsurface treatment systems as approved satisfactorily meets all minimum requirements and standards.

DECISION

Accordingly, based on the findings of fact set out above and the records before it, the Crosslake Planning and Zoning Commission APPROVES Conditional Use Permit 2012-006, for Gordon and Alma Siemers, property owners, to seek approval of a CUP to alter C2010-003 and/or C2008-006 to allow car sales and remove the tanning booth use, relocate a stormwater retention pond, and modify the landscaping, parking configuration and impervious surface features on the

property, all within 200 ft. of an adjacent residential zoned property in the LC, Limited Commercial zoning district.

BE IT FURTHER RESOLVED, approval of Conditional Use Permit 2012-006 shall be subject to the following conditions:

1. The proposed commercial development shall be completed substantially as shown in the revised site plan/survey with the Conditional Use Permit application and as conditionally revised and approved by the Board.
2. A zoning permit shall be required for all proposed site improvements.
3. Erosion and sedimentation during construction shall be prevented by the installation of a temporary silt fence or other best management practices (BMPs) between the construction area and the adjacent lots and County State Aid Highway 3 right-of-way *not later than 10 days from the date of this approval.*
4. A "dry pit" approximately 20 ft. by 3 ft. by 3 ft. deep without a floor drain may be installed in the detail bay.
5. The proposed dumpster enclosure must be relocated and screened to improve the access subject to staff approval. Vegetation such as seed or sod or natural vegetation must be re-established in this area that has recently been used as a parking area.
6. A \$25 zoning permit shall be required for the construction of a decorative three rail plastic fence along the south lot line that was the subject of a stop work order and the fence shall be allowed to be 10 ft. From the road right-of-way.
7. The revised surface drainage plan shall be approved by the city engineer; screening, berms, and landscaping shall be completed; bituminous and concrete surfaces and striping installed; dumpster enclosure relocated and construction completed; and the two stormwater detention ponds and septic system fully installed and inspected before the car washes shall be allowed to open for business (landscaping by October 15, 2012).
8. The spruce tree varieties shall be specified before planting and must be native plants. A 6 ft. high screening fence shall be constructed 1 ft. from the east lot line and a minimum of 25 ft. west along the north and south side lot lines to screen the vehicle sales use from the adjacent residential zoned property.
9. The lot shall be striped and signs installed to meet the parking plan shown on the April 6, 2012 revised certificate of survey with the exception that spaces 3 - 5 shall not be striped as they do not conform to the ordinance minimum standard for an access drive aisle. Parking shall only be allowed on designated parking spaces at all times.
10. The lot shall be striped and signs installed to meet all provisions of the parking provisions found in chapter eight of the city ordinance and state statute and rules, including handicapped parking.
11. For the septic system design, the following shall apply to the construction and use of the existing and proposed septic system on the property:
 - A separate water meter shall be required to monitor water use to the existing septic system and drainfield for the existing building uses and the new septic system for the detail center and car wash uses. Monthly water use reports shall be provided to the planning and zoning department with the actual gallons per day use recorded for one year. After one year, monthly water usage readings

may be submitted subject to staff approval. A maintenance and operations plan, pumping contract, and contingency plan shall be provided in the event of failure of the proposed system per the city engineer's previous comments.

- A flammable waste trap(s), oil/water separator tank, or provisions with septic tanks shall be made to capture oils and greases from the car wash bay discharges.
 - Soils within three (3) feet of the bottom of the rock bed are required to meet the mound sand specifications found in chapter 7080.
 - A surface barrier approved by staff shall be required to protect the pressure beds from vehicles and surface water runoff.
 - The existing and proposed drainfield areas shall be protected from construction traffic and storage of construction materials by placement of a temporary fence that shall be maintained as a protective barrier.
12. If the proposed onsite subsurface treatment system for the detail bay, self-serve wash bay and automatic car wash fails per Minnesota rules chapter 7080 and local ordinance standards, then the applicant shall be required to connect to the municipal sanitary sewer as the secondary treatment alternative provided adequate sewer plant capacity is available. The construction of a lift tank and connection to the municipal sanitary sewer shall be in compliance with the city and county engineer's approval of the plans and subject to payment of all connection fees and ongoing user charges/fees. A water meter shall be installed to monitor water usage.
 13. Any necessary easements or other agency approvals shall be obtained prior to commencing work as determined by the city engineer and zoning administrator.
 14. The entrance and exit door for both the self-serve wash bay and the automatic carwash shall remain closed during the entire washing and drying cycle. They shall remain closed until both processes are fully complete.
 15. Any future uses, expansions or alterations to the use or configuration of the facility shall require the property owners to meet all zoning ordinance requirements in effect at the time of said changes including, but not limited to, parking and loading, visual standards, lighting, and architectural/appearance standards.
 16. The operating hours for the detail bay, self-serve wash bay, exterior vacuum, and automatic car wash shall be limited between the hours of 6 a.m. until midnight. Any changes to the hours of operation proposed by the operator/property owner shall require an amendment to conditional use permit C2012-006 that is to be approved by the Planning and Zoning Commission.
 17. A boulder wall shall be allowed to be added to the site plan and located along the southeast lot line adjacent to the proposed stormwater detention pond.
 18. The development will be totally completed by October 12, 2012, including all landscaping requirements.
 19. Used automobiles parked onsite at any one time shall be limited to a maximum of eight.

BE IT FURTHER RESOLVED, the applicant or interested parties may appeal the Commission's decision to the Crosslake City Clerk within five calendar days excluding the date of the meeting.

BE IT FURTHER RESOLVED, the 60-day requirement in which action is to be taken shall be extended an additional 60 days as allowed by State Statute in order to allow the applicant, interested parties, and/or the City Council sufficient time to consider an appeal.

The motion for adoption of the foregoing Resolution was duly seconded by Dale Melberg and upon vote being taken thereon, the following voted in favor thereof: Melberg, Addington, Hagen, Schrupp and Heacox.

The following voted against: None

The following abstained from the vote: None

This resolution was approved and adopted on April 27, 2011, by a 5/5ths vote by the Planning and Zoning Commission/Board of Zoning Adjustment of the City of Crosslake.

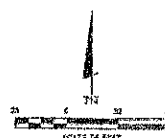
Dale Melberg, Acting Chair

ATTEST:

Kenneth R. Anderson
Community Development Director

Attachments: Exhibit A, Exhibit B

LOT 3, BLOCK ONE, WILDWOOD ACRES,
SECTION 21, TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA

[illegible]

CITY OF CROSSLAKE

RESOLUTION NO. 12-25

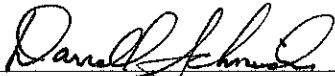
RESOLUTION RELATING TO THE CITY OF CROSSLAKE CAFETERIA PLAN

BE IT RESOLVED, that the City of Crosslake Cafeteria Plan be amended as follows:

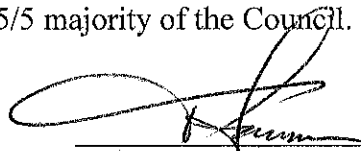
Effective January 1, 2013, the most that you can contribute to your Health Flexible Spending Account from salary reductions each Plan Year is \$2,500. After 2013, the dollar limit may increase for cost-of-living adjustments.

You should be aware that the annual dollar limit on the amount you may defer is an aggregate limit that applies to all contributions to the Health Flexible Spending Account you may make under this Plan and any other health flexible spending account of this Employer or any of its affiliated employers in which you may be participating. The limit is an individual limit and does not impact the amount your spouse may contribute to any health flexible spending account that he or she may be participating in (even if it is this Plan).

Adopted this 10th day of December 2012 by a 5/5 majority of the Council.



Darrell Schneider
Mayor



Thomas N. Swenson
City Administrator