

REGULAR COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, JULY 11, 2005
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, July 11, 2005. The following Council Members were present: Mayor Jay Andolshek, Dean Eggena, Dick Phillips and Dean Swanson. Councilmember Terry Curtis was absent. Also present was City Administrator Thomas N. Swenson, Community Development Director Ken Anderson, City Attorney Kirk Adams, City Engineer Dave Reese, Park and Recreation Director Jon Henke, Police Chief Bob Hartman, General Manager Dennis Leaser, Clerk/Treasurer Darlene Roach, Lake Country Echo Reporter Brian Clapper and Renee Richardson of the Brainerd Dispatch. There were approximately 30 individuals in the audience in addition to Staff.

A. CALL TO ORDER- Mayor Andolshek called the Regular Council Meeting to order at 7:00 P.M. A motion to accept the additions to the agenda was requested. MOTION 07R-01-05 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY DICK PHILLIPS TO ACCEPT THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

B. CRITICAL ISSUES – A public hearing was held prior to the regular meeting to take public comments in regards to an appeal filed by Peter Hanson and Lynne Marchese on a decision of the Planning and Zoning Commission to deny a zoning map amendment. A request to rezone a group of properties from the Hanson/Marchese property south to the Cedar Chest was proposed by the applicant as an alternative to amending the Ordinance as it relates to Home Occupation or Spot Zoning the property to allow for additional employees not living in the dwelling. The requested Zoning Map Amendment was denied by the Planning and Zoning Commission on a unanimous vote and appealed to the City Council. Discussion ensued regarding the location of the property which is situated along County Road 3, the requirement to be a resident of property utilized for home occupation, how and when the rezoning from commercial to residential took place on this property and what affect a rezoning to Waterfront Commercial would have on the residential property owners in this area. It was the consensus of the Council that the residential property owners should not be penalized from future improvements due to a rezoning to Waterfront Commercial if that is the decision of the Council. MOTION 07R-02-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO REZONE THE PROPERTY ALONG COUNTY ROAD 3 FROM THE HANSON/MARCHESE PROPERTY SOUTH TO INCLUDE THE CEDAR CHEST FROM RESIDENTIAL TO WATERFRONT COMMERCIAL AND TO DIRECT THE PLANNING AND ZONING STAFF TO AMEND THE ORDINANCE TO ENSURE THERE ARE NO PROBLEMS WITH THE RESIDENTIAL PROPERTIES IN THIS AREA AS A RESULT OF THE REZONING FROM RESIDENTIAL TO WATERFRONT COMMERCIAL. Community Development Director Ken Anderson asked for a clarification as it pertains to the existing property owners and it was the consensus of the Council that existing residents will retain full rights, however new

homes would not be allowed even with a Conditional Use Permit. MOTION CARRIED WITH ALL AYES.

Councilmember Phillips asked the Council if they would be in agreement with hearing those items that require discussion and action from the Council first and then go back and review the information items as a means of saving time. The Council agreed that they would take the items in the order they appear on the agenda but would agree to moving along as quickly as possible.

C. CONSENT CALENDAR – MOTION 07R-03-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR CONSISTING OF: (1.) MINUTES OF SPECIAL COUNCIL MEETING OF MAY 17, 2005; (2.) MINUTES OF SPECIAL COUNCIL MEETING OF JUNE 2, 2005; (3.) MINUTES OF REGULAR COUNCIL MEETING OF JUNE 13, 2005; (4.) CROSSLAKE COMMUNICATIONS BALANCE SHEET AND INVESTMENT/CASH SUMMARY DATED MAY 31, 2005; (5.) CITY MONTH END REVENUE REPORT DATED MAY 31, 2005; (6.) CITY MONTH END EXPENDITURE REPORT DATED MAY 31, 2005; (7.) LAKES STATE BANK PLEDGE REPORT DATED JUNE, 2005; (8.) LAKEWOOD BANK PLEDGE REPORT DATED JUNE, 2005; AND (9.) NORTHERN NATIONAL BANK PLEDGE REPORT DATED JUNE, 2005. MOTION CARRIED WITH ALL AYES.

D. PUBLIC FORUM – Dick Dietz, resident of Manhattan Point Boulevard, addressed the Council and stated that he was happy to see the status of the dump on the agenda and hoped that it is not tabled until a special meeting which is not televised. He stated that a May 10th letter to the Eggena's contained 8 conditions that required action within 60 days to take action on and that the 60 days ended on Saturday, July 9th. Dietz stated that Chapter 8 of the City Code stated that a violation of a CUP should automatically void the CUP, but that the Council was generous to allow the property owner 60 days to correct the problems. Dietz stated that his last inquiry of City Hall Staff indicated that no fence permit had been taken out and he hoped that this property owner would be treated the same as any other violator.

E. MAYOR'S REPORT – A memo dated July 5, 2005 from Mayor Andolshek and City Administrator Swenson contained a quote from UCT Inc. in the amount of \$10,020.33 to upgrade the audio/visual equipment at City Hall. Also included in the packet were copies of letters sent to Tom's TV of Brainerd and EPA Audio Visual Inc. of Rockford. No quotes were received from either company. The proposal would move the existing camera, replace the microphones and add a document camera which would project onto a screen for the public to see and also on to monitors situated at each Council seat for viewing by the Councilmembers. The 2005 Planning and Zoning budget included \$6,600 for the upgrade. Approval was requested of the upgrade as proposed by UCT, Inc. with the balance of the cost coming out of the \$6,000 budgeted under General Government Capital Outlay for City Hall/Council Chamber flooring. Instead of replacing the carpet in both City Hall and the Council Chambers, only the carpet in front of the Planning and Zoning and Administration Counters would be replaced with linoleum with the balance

of the carpet cleaned. MOTION 07R-04-05 WAS MADE BY DICK PHILIPS AND SECONDED BY DEAN EGGENA TO ACCEPT THE BID FROM UCT, INC. TO UPGRADE THE AUDIO/VISUAL SYSTEM AT A COST OF \$10,020.33. There was some discussion regarding whether the carpet funds should be utilized to pay for part of this project or if the funds should come from elsewhere. It was agreed that the balance of the funds would come out of the City Hall budget for carpeting. MOTION CARRIED WITH ALL AYES. The audio/visual upgrade should be completed this summer.

F. CITY ADMINISTRATOR REPORT –

1. City Bills for Approval – MOTION 07R-05-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNTS OF \$222,290.70 AND \$14,481.92. MOTION CARRIED WITH ALL AYES.
2. Crosslake Communications Bills for Approval – MOTION 07R-06-05 WAS MADE BY DEAN EGGENA AND SECONDED BY JAY ANDOLSHEK TO APPROVE BILLS FOR PAYMENT FOR CROSSLAKE COMMUNICATIONS FOR THE PERIOD OF JUNE 1, 2005 THROUGH JUNE 30, 2005 TOTALING \$269,726.73. MOTION CARRIED WITH ALL AYES.
3. A memo from Clerk Roach requested approval to reimburse 90% of the incremental tax revenue to Crosswoods Development District 1-8 which was paid to the City on July 5, 2005 in the first half tax settlement. Roach did verify that all taxes have been paid on all parcels located within this district. Approval was also requested to reimburse 90% of the incremental tax revenue received from Daggett Brook Villas (Brian Bittner) from the first half tax settlement. Payment of taxes for these parcels was also verified by Roach. MOTION 07R-07-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO AUTHORIZE THE REIMBURSEMENT OF 90% OF THE TAX INCREMENT REVENUE TO CROSSWOODS DEVELOPMENT DISTRICT 1-8 AND DAGGETT BROOK VILLAS (BRIAN BITTNER) DISTRICT 1-2 AS PRESENTED. MOTION CARRIED WITH ALL AYES.
4. A memo dated July 6, 2005 from Clerk Roach requested approval for a Transient Merchant Park Permit for Town Square Association to host a Farmer's Market on Wednesday mornings from 9:00 A.M. to 1:00 P.M. throughout the summer and fall. Included with the request for the Park Permit was a request for directional signage on the day of the market pointing customers to the site. Community Development Director Ken Anderson addressed this issue. MOTION 07R-08-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO APPROVE THE TRANSIENT MERCHANT PARK PERMIT FOR TOWN SQUARE ASSOCIATION FOR THE FARMERS MARKET. Pat Netko of Lake Country Crafts and Cones addressed the Council and expressed concern over all of the temporary and off-site signs within the City and asked the Council what their position would be on an event board at the Chamber site where all events that take place could be posted. Netko stated that the business owners need to find a way to work together and not have the one-up-man-ship that is going on now. Netko also stated that she did not support the City Council's decision to not be a member of the Chamber because membership would mean support of a

special interest group. She stated that as a result of this action, the Business Council has been disbanded which assisted not only chamber members but non-chamber members and was a way of sharing information between City government and the business owners. Netko stated that she feels the Council should know what's going on in the business community just as the business owners should be aware of Council actions. She recommended that the Council review this issue during the budget cycle for the good of the entire community. Discussion ensued regarding what was being sold and Clerk Roach stated that State Statute allows the sale of home grown fruits and vegetables without a permit, but the sale of any other items would require either a transient merchant permit or transient merchant park permit. Pat Netko expressed concern with the market taking place in the parking area of Town Square. Chief Hartman addressed the Council and expressed concern with the location of the farmers market and that it posed a public safety issue. Councilmember Eggena agreed with Chief Hartman that the market really belongs in an open field where there is adequate parking. Mayor Andolshek felt that more information was needed like a parking plan. MOTION FAILED WITH ANDOLSHEK, EGGENA AND SWANSON VOTING NAY AND PHILLIPS VOTING AYE. MOTION 07R-09-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO DENY THE TRANSIENT MERCHANT PARK PERMIT FOR CROSSLAKE TOWN SQUARE ASSOCIATION. MOTION CARRIED WITH ANDOLSHEK, EGGENA AND SWANSON VOTING AYE AND PHILLIPS VOTING NAY.

5. A memo dated July 6, 2005 from Community Development Director Ken Anderson requested Council approval to locate a directional sign at Swann Drive on the days the Crosslake Town Square Farmers Market is to be held. Discussion ensued regarding who owns the property. Councilmember Eggena stated that if we are going to allow off site signs for Town Square then let everyone have them. MOTION 07R-10-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO DENY THE REQUEST FOR AN OFF SITE SIGN BY THE TOWN SQUARE ASSOCIATION. MOTION CARRIED WITH ALL AYES.
6. A letter dated July 8, 2005 from Crow Wing County Auditor Roy Luukkonen requested Council consideration to establish two voting precincts within the City. The need to accommodate voters on Election Day, reduce election judge time in processing absentee ballots, as well as being able to take advantage of grant funding available for certified voting devices for voters with disabilities and the possible acquisition of an additional precinct counter for the newly formed precinct are all valid reasons for moving forward at this time according to Luukkonen. Crow Wing County Staff reviewed options for splitting the City and a map was provided using the county roads as a clear boundary for the voters to refer to. If the Council approves the establishment of two precincts, the County will assume the responsibility of notifying voters of their new precinct. MOTION 07R-11-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO APPROVE RESOLUTION NO. 05-12 ESTABLISHING TWO VOTING PRECINCTS WITHIN THE CITY WITH COUNTY ROADS AS THE

BOUNDARY AS SHOWN ON A MAP ATTACHED TO SAID RESOLUTION AS PROPOSED BY THE COUNTY AUDITOR. MOTION CARRIED WITH ALL AYES.

7. The semi-annual report of the Crosslake-Ideal Lions Charitable Gambling Activity for the period of January 1st to June 30th was included for Council information. Mayor Andolshek thanked the Lions for their hard work in the community.
8. The BLADC Project Activity Report for the period of January – April, 2005 was included for Council information.

G. COMMISSION/DEPARTMENT REPORTS –

1. PARK AND RECREATION –

- a. Park and Recreation Director Jon Henke stated that his report contained a total of 14 items of upcoming park activities but for the benefit of saving time would only present the significant items. Henke was pleased to inform the Council that the Crosslake-Ideal Lions President Project for 2005, as designated by outgoing Lions President Gordy Reller, was a donation of \$15,000 for the purchase of new playground equipment for the park. Acceptance of the donation was requested. MOTION 07R-12-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO ACCEPT THE DONATION OF \$15,000 FROM THE CROSSLAKE-IDEAL LIONS CLUB FOR USE TOWARDS THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE PARK. MOTION CARRIED WITH ALL AYES. Park Director Henke presented a conceptual drawing of the project that the sub-committee of the Park Commission is working on. A \$3,000 grant was received from Crow Wing Power Community Trust which was accepted previously by the Council and will be used for this project also. The playground project will be completed this fall with the help of volunteers from the community. Gordie Reller addressed the Council and stated that he was proud to be a member of such a worthwhile organization as the Lions Club and was happy to be able to present this donation to the City for use in purchasing playground equipment. He stated that the Lions Club has given the City numerous donations over the years. An in-kind donation by Steve and Ryan Woefel of time and use of equipment for the Batting Cage construction next to the baseball field was acknowledged by Jon Henke. The Woefel's brought in a bobcat and spent three days putting ag lime on the ball fields. A letter of appreciation will be sent to the Woefel family. The Minnesota Twins Day Trip will be held on Thursday, August 4th. The cost for the trip is \$20.00 which includes luxury coach fare, general admission to the game, a hot dog, pop and a Minnesota Twins Pennant. Registration deadline is July 29th. A senior driving class will be held on July 21st from 9:00 – 1:00 P.M. sponsored by AAA. The minutes of the May 23, 2005 Park Commission meeting were included for Council information.

2. PUBLIC SAFETY - Chief Hartman reported 168 calls in Crosslake and 34 calls in Mission Township in June. A request to purchase a Mobile Computer Aided Dispatch System (MCAD) to be placed in one of the squad cars was requested. The initial cost for the system will be approximately \$7,500 which will include the new computer, installation, software and training with an additional monthly charge of \$40.00. Hartman noted that the current laptops are four years old and the Department is in need of new computers. If approval to purchase the MCAD systems for the squads is approved, the laptops could be used as work stations when the officers are in the department. There is \$17,000 in the Capital Fund from restitution and capital reserve funds which could be used to purchase two to three systems. Councilmember Phillips asked what this computer does that the others don't do and Hartman stated the laptops do not have the air cord which is needed to access the State system. Councilmember Phillips questioned the necessity of the system since Crosslake doesn't have a high crime rate and stated that he doesn't see the value in it. Councilmember Eggena asked how the checks are done currently and Hartman stated through the Dispatch Center at the County. Chief Hartman stated that he would like to equip the two night cars with the MCAD system. MOTION 07R-13-05 WAS MADE BY DEAN EGGENA AND SECONDED BY JAY ANDOLSHEK TO AUTHORIZE THE POLICE CHIEF INSTALLING NEW TECHNOLOGY IN THE SQUAD CARS AT A COST NOT TO EXCEED \$15,000. MOTION CARRIED WITH ANDOLSHEK, EGGENA AND SWANSON VOTING AYE AND PHILLIPS VOTING NAY. Chief Hartman requested approval of a resolution of support and implementation of a County wide Records Management and Mobile Computer Aided Dispatch System in conjunction with the approval received to acquire the MCAD systems. MOTION 07R-14-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO APPROVE RESOLUTION OF SUPPORT NO. 05-11 FOR THE DEVELOPMENT AND IMPLEMENTATION OF COUNTY-WIDE RECORDS MANAGEMENT AND MOBILE COMPUTER AIDED DISPATCH SYSTEMS. MOTION CARRIED WITH ALL AYES. The Fire Department reported 11 medical calls and 9 fire calls in June for a total of 20 calls. North Ambulance reported 54 callouts in June with 38 being day calls and 16 being night calls.
3. ECONOMIC DEVELOPMENT AUTHORITY – The minutes of the April 6, 2005 meeting were included for Council information.
4. LIBRARY – Chair Alden Hardwick addressed the Council and reported that donations and pledges total \$224,000. Of this amount, a CD has been purchased at Lakes State Bank bearing 4% interest. The Committee has applied for a \$3,000 grant from Crow Wing Power Community Trust to be used towards the purchase of computer software. The Committee has received 2000 books of the 11,000 needed to equip the library. Every Tuesday volunteers work at the little house on the Park property sorting the books donated. Duplicates, old books and paperbacks will be stored until the book sale takes place in August. A Fund Raising Committee has been formed and the minutes of the June 20th Fund Raising Committee meeting were included for Council information. The Committee has identified 35 potential

candidates as donors. Each member has been given an assignment of contacting these potential donors. A joint meeting will be held in July with the Park and Recreation Commission to review building design.

5. PUBLIC WORKS/CEMETERY/SEWER –

- a. The West Shore Drive Public Hearing will be held on Saturday, July 23, 2005 at 10:00 A.M. in the Community Center and the notice was included for Council information.
- b. A memo dated June 8, 2005 from Public Works Director Ted Strand, which was tabled at the June Regular Meeting, was reviewed by Strand. Strand stated that two quotes were received to repair the damaged sprinkler system caused when the back canopy and rear parking lot were constructed. Both the front and rear of the building operate off of one system and North Central Lawn Care & Irrigation can repair the system at an estimated cost of \$3,263. MOTION 07R-15-05 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY DEAN SWANSON TO APPROVE THE EXPENDITURE TO REPAIR THE SPRINKLER SYSTEM AT CITY HALL BY NORTH CENTRAL LAWN CARE & IRRIGATION AT A COST OF \$3,263. Councilmember Eggena asked what other buildings are sprinkled and he was told that no other public building has a sprinkler system installed. MOTION FAILED WITH ANDOLSHEK AND SWANSON VOTING AYE AND EGGENA AND PHILLIPS VOTING NAY.
- c. A memo dated June 8, 2005 from Public Works Director Ted Strand requested approval to contract with Overhead Door Company to perform annual maintenance on the 25 garage doors located on City buildings. Councilmember Eggena stated that this contract was open ended and he would want a fixed dollar amount under a contract. It was the consensus of the Council for Ted Strand to come back with a contract per door plus an hourly rate with a not to exceed amount. General Manager Dennis Leaser stated that he had a \$500 OSHA violation as a result of a faulty overhead door. While a contract may not have prevented the violation, it would have shown good intent.
- d. A memo dated July 6th from Public Works Director Ted Strand requested the release of \$1,000 which was retained by the City as a security deposit until turf was established along Gordon Circle. MOTION 07R-16-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO RELEASE THE \$1000 SECURITY DEPOSIT ON GOLDEN CIRCLE TO THE DEVELOPER. MOTION CARRIED WITH ALL AYES.
- e. An email dated June 28, 2005 informed the City that the Court of Appeals upheld the decision of the District Court in the Golden Rule case. The Court of Appeals determined that the District Court was correct in deciding that the connection and user charge system adopted by the City through the Sewer Ordinance is just and equitable and meets the requirements of MN Statute Sec. 444.075.

6. PLANNING AND ZONING –

- a. The minutes of the May 27, 2005 Meeting of the Planning and Zoning Commission/Board of Adjustment were included for Council information.
- b. The Permit Summary for June 2005 indicated that 9 permits were issued for homes in June as compared to 7 permits in June 2004. The total monthly valuation for June was \$2,978,610 compared to \$9,064,135 in June 2004.
- c. Community Development Director Ken Anderson stated that the Pete Hanson/Lynne Marchese appeal was acted on earlier in the meeting by the City Council.
- d. A memo dated July 6, 2005 from the Planning and Zoning Commission and Community Development Director Ken Anderson contained a recommendation from the Commission for Council approval on the Preliminary Plat for Eagle Pass along with a Zoning Map Amendment from R-4, Urban Density Residential to LC – Limited Commercial for a portion of Lot 1, Block 2. Approval would be subject to the developer, Rick Carlson meeting all the conditions identified by Staff as well as two additional items included by the Planning and Zoning Commission and referenced in the Staff Report provided to the Council. Mr. Carlson is proposing a housing development on a 27-acre parcel East of Piccadilly Pizza. The original plan was to construct 55 units, however the number of units has been reduced to 24 single family homes, one (1) limited commercial lot and three outlots due to the City's requirement for sixty-six (66) foot right-of-way on roads within the development. There is approximately 7.51 acres of wetlands and ponds with the remaining 19.95 acres being upland property. A Utility Extension Agreement will be executed to expand the area into the Phase 1 Sewer District. The property is zoned R-4 with the exception of the small triangular shaped portion of Lot 1, Block 2 which is R-1 and a rezoning to LC is requested. If the rezoning is approved, the zoning would be consistent with the balance of Lot 1, Block 2. The two recommendations proposed by the Planning and Zoning Commission include a 10' no disturb/vegetative alterations buffer to be established around the wetlands/ponds on the property to maintain water quality standards which will be included in the covenants and that no driveway access be allowed on Lot 1, Block 2 to and within 100 feet of County Road 66. Approval was requested to authorize the City Attorney preparing the Developer's Agreement. Mayor Andolshek asked if the City will obtain a 10' easement in this area and Anderson stated that this development does incorporate a utility, drainage and public use easement along the 66' right-of-way which will be dedicated to the City. Councilmember Eggena asked if the City was approving the Covenants by approving the Preliminary Plat. Anderson noted that some minor revisions need to be made in the Covenants with one being the Watershed District referenced. Eggena stated that he doesn't think the Council would want to accept the covenants. All the Developer has to adhere to are the Zoning Ordinance's so Eggena stated that he would not vote to accept the Covenants. Anderson stated that Item #4 in the Staff Report recommends

that the proposed Covenants be reviewed by the City Attorney and submitted with the Final Plat. An example was cited where six months ago a lot split was proposed within a development where the Covenants prohibited future lot splits. Mayor Andolshek asked if there is any possibility of splitting property in plats and Anderson stated that if the Zoning Ordinance would allow a smaller lot size, it could be done. Councilmember Phillips asked about the cul-de-sacs being proposed and whether the City would allow these. Anderson stated the City would since the adjacent property is not currently developed but the road could be extended if the adjacent property is expanded. Councilmember Eggena asked about the sewer volumes and Public Works Director stated that on weekdays the plant is handling about 35,000 gallons per day and on weekends between 50-60,000 gallons. The plant capacity is 150,000 gallons so there is plenty of capacity. Tim Rampert of Westwood Professional Services Inc. addressed the Council and discussion ensued regarding capacity versus when the development hooks up. City Administrator Swenson stated that the developer will put in trunk lines and a sewer stub during construction. Councilmember Eggena stated that there would be no set aside for anyone and permits will be issued as people come in and apply for them. City Engineer Dave Reese stated that the MPCA will look at the design capacity and if you've approved a sub-division, they'll compare the design flow with the plant. City Engineer Dave Reese stated that the City has had numerous discussions regarding this issue and the result of these discussions was that the availability charge was eliminated. If there is no availability when the owner comes in for a permit, they put in their own ISTS system or the City expands its plant size. MOTION 07R-17-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE PRELIMINARY PLAT 2004-012/2005-008 FOR RICK CARLSON WITH THE UNDERSTANDING THAT THE COVENANTS ARE NOT APPROVED OR ENDORSED BY THE CITY BUT THE CITY ACKNOWLEDGES RECEIPT OF THE COVENANTS AND THAT THERE IS NO AGREEMENT WITH THE DEVELOPER TO ENSURE SEWER CONNECTIONS ARE AVAILABLE. AND THAT THE CITY ATTORNEY PREPARE THE DEVELOPER'S AGREEMENT. MOTION CARRIED WITH ALL AYES. Regarding the request for rezoning, MOTION 07R-18-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO APPROVE ZONING MAP AMENDMENT 2005-012 FOR RICK CARLSON TO CHANGE THAT PORTION OF LOT 1, BLOCK 2 FROM R-4 TO LC. MOTION CARRIED WITH ALL AYES.

- e. A memo dated July 11, 2005 from the Parks and Recreation Commission and Planning and Zoning Commission recommended that the City Council accept cash in lieu of land for Subdivision 2005-007 for Jerry Raph in the amount of \$4,466.66. MOTION 07R-19-05 WAS MADE BY DEAN EGGENA AND SECONDED BY JAY ANDOLSHEK TO ACCEPT CASH

IN LIEU OF LAND FOR SUBDIVISION 2005-007 FOR JERRY RAPH IN THE AMOUNT OF \$4,466.66. MOTION CARRIED WITH ALL AYES.

- f. Ordinance Amendment 2005-011, Crosslake City Council initiated Amendment as it relates to Voting Requirements for Planning and Zoning Ordinance Amendments. The City Attorney prepared an Ordinance Amendment for Chapter 8 which would change a majority vote (4/5ths) of the Council to a simple majority vote with some exclusions. A 4/5ths majority vote would still be required, however in order to publish a summary of a Zoning Ordinance Amendment. MOTION 07R-20-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE ORDINANCE AMENDMENT NO. 208 RELATING TO VOTING REQUIREMENTS FOR PLANNING AND ZONING ORDINANCE AMENDMENTS. MOTION CARRIED WITH ALL AYES. Regarding the publishing of a summary of this Ordinance Amendment, MOTION 07R-21-05 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY DEAN EGGENA TO PUBLISH A SUMMARY OF ORDINANCE AMENDMENT NO. 206. MOTION CARRIED WITH ALL AYES. Councilmember Eggena stated that with this change, the City has Ordinance Amendments that have failed with a 4/5ths vote and asked whether they should be revisited now or later. City Administrator Swenson stated that this Ordinance Amendment does not go into effect until it is published. Community Development Director Ken Anderson stated that as a consideration to the public who think the amendments have failed, the notice should be published so the public is aware that it is being heard again.
- g. Accept Resignation of Al Flemmer and Appointment of Michael Winkles – A letter dated June 14, 2005 from Al Flemmer informed the City of his intention to resign from the Planning and Zoning Commission. At the Planning and Zoning Commission of June 24th, the Commission recommended that the City Council accept the resignation of Al Flemmer and approve the appointment of alternate member Michael Winkles to serve as a regular member for the unexpired first term of Al Flemmer ending January 31, 2008. MOTION 07R-22-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO ACCEPT THE RESIGNATION OF AL FLEMMER AND APPOINT MICHAEL WINKLES TO FILL THE APPOINTMENT THROUGH JANUARY 31, 2008. MOTION CARRIED WITH ALL AYES.
- h. Recommendation to refer Brush Pile Enforcement to City Attorney – Numerous complaints have been received on the Robert Bouten property on Wolf Trail that brush piles are left on the property very close to the neighboring property. The property owner received a notice on September 22, 2004 and a final notice on December 7, 2004 to remove the piles. An extension was granted allowing the owner until May 1, 2005 to resolve the issue. As of this date, no action has been taken. The Planning and Zoning Commission at the July 8th Special Meeting recommended that the issue be referred to the City Attorney for action. MOTION 07R-23-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO

TABLE THE ISSUE TO THE NEXT MEETING WHEN ADDITIONAL INFORMATION WILL BE PROVIDED. MOTION CARRIED WITH ALL AYES.

- i. Set Public Hearing for Appeal 2005-005 – Duane Demesy - Duane and Mary Demesy have appealed the Planning and Zoning Commission's decision to deny a variance to construct a 22x22 garage 5.5 feet from a public right-of-way. MOTION 07R-24-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DEAN EGGENA TO SET THE PUBLIC HEARING FOR APPEAL 2005-005 FOR DUANE DEMESY FOR 6:00 P.M. ON AUGUST 8, 2005. MOTION CARRIED WITH ALL AYES. A second appeal has been filed by Mark Linder, however several attempts to set a hearing date have been in conflict with Mr. Linder's schedule so the Council stated that no action will be taken until the applicant can be available for a hearing.
- j. A public meeting has been set by the MPCA for 6:00 P.M. on July 21st at the Community Center to take public comments on the re-permitting of the Crosslake Construction Demolition Debris Facility. A draft copy of the Solid Waste Permit was included in the packet for Council information. Councilmember Swanson stated that a letter was sent to the owner of the Demo Facility and inquired whether the owner has complied with the requests detailed in the letter. Community Development Director Ken Anderson stated that plan drawings were submitted which show site drawings and future plans. A fence has been installed and the permit was issued this date. Anderson stated that the 60 days did not expire until July 10th and he would like some time to review what has been done before commenting. Councilmember Swanson stated that the City has requested a certified survey and doesn't believe the City has received a survey and questioned how long we wait for responses. Swanson stated that he is concerned with the game being played. According to Swanson, if the conditions have not been complied with within the 60 days, the CUP is void. Dean Eggena spoke from the podium in the audience and stated that the letter was received on May 14th and that he has 60 days from receipt of the letter to comply. On July 8th, Eggena stated that he gave Staff drawings which represent a certified survey signed by a Landecker engineer. Eggena stated that the fence has been completed and Staff was called to inspect. He stated "Swanson, if your looking for something to shut me down, go at it". Councilmember Phillips asked that discussion be discontinued to allow Ken Anderson time to review the items. Mayor Andolshek commented that he has considered calling a special meeting to discuss the issue sometime after the MPCA's public hearing and the meeting was set for August 1st at 4:00 P.M. to look at the results of the items outlined in the letter along with other landfill issues. If the City Council decides to comment to the MPCA, this could be discussed at the August 1st meeting and forwarded to the MPCA by August 4th. Community Development Director Anderson stated that at the last Special Meeting on the Comprehensive Plan, there was discussion

regarding setting another meeting sometime after July 28th. The Council agreed to set the date for another meeting at the August 8th Regular Meeting.

7. CROSSLAKE COMMUNICATIONS –

- a. The Cablevision Digital TV Report was included for Council information.
- b. General Manager Dennis Leaser reported that the construction on the Fiber to the Home Project is underway with about 20% completion on the main line conduit. About 10% of the residential conduit work is complete. Some damages have taken place and the contractor M&P has been notified of these damages. Four sewers have been hit and power outages have occurred. Leaser stated that he may be willing to pay part of the cost of a locator which would identify sewer lines and if so he may come back to the Council with a request for approval on the purchase of this equipment. Gordie Reller has been contacting homeowners involved in this phase of the project prior to the construction crews going through.
- c. A memo detailing the Fiber to the Home Construction progress was included for Council information.
- d. Lakes Long Distance is available and is well received. This plan offers 9.9 cents per minute calling with no monthly charge. Many of the customers have been signing up for the new optional Neighbor to Neighbor Plan with Emily Telephone and CTC. This plan provides 7 digit dialing to the exchanges serviced by these two companies at a cost of \$4.95 per month. The Annual Open House will be held on Saturday, August 13th.
- e. A memo dated July 11, 2005 from General Manager Leaser requested approval on an ordinance amendment to Chapter 2 of the City Code establishing the Crosslake Communications Advisory Board; approval of the Crosslake Communications Advisory Board Introduction and Authority dated July 2005; approval of the Crosslake Communications Advisory Board Policies & Procedures dated July 2005; and approval of board members to the Advisory Board. Councilmember Phillips stated that Dennis Leaser was directed to meet with the City Administrator, the City Attorney and himself and what is being proposed is the result of these meetings. MOTION 07R-25-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE ORDINANCE AMENDMENT TO CHAPTER 2 REGARDING ESTABLISHMENT OF THE CROSSLAKE COMMUNICATIONS ADVISORY BOARD. Mayor Andolshek asked if the Commission would have financial review responsibilities. Leaser stated they would and that is outlined in the Introduction and Authority document. Andolshek stated that he feels there is too little commission authority and too much management authority. MOTION FAILED WITH EGGENA AND PHILLIPS VOTING AYE AND ANDOLSHEK AND SWANSON VOTING NAY.

8. RECYCLING – A total of 25.1575 tons of recyclables were collected in June bringing the year-to-date amount collected to 100.575 tons.

H. OLD BUSINESS – None

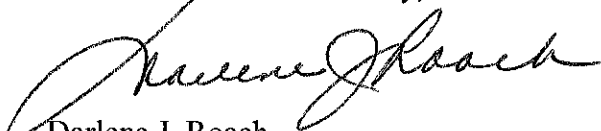
I. NEW BUSINESS – None

J. PUBLIC FORUM – Bill Reed addressed the Council and asked why the Council is changing the Ordinance and policy as it pertains to the Utilities Advisory Commission. He noted that this company is worth \$10,000,000 and why change things if they're not broken. Councilmember Eggena stated that he voted to make a change because the Council needs more control. After more discussion regarding the changes, General Manager Leaser was directed to provide Bill Reed with additional information.

Mayor Andolshek reminded those in attendance and the viewing audience that the filing period for the Pequot Lakes School Board is open from July 5th through July 19th. Filing takes place at the Pequot Lakes School.

K. ADJOURN – MOTION 07R-26-05 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO ADJOURN THIS REGULAR MEETING AT 10:32 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach
Clerk/Treasurer

Shared/REG COUNCIL MTG – July 11, 2005

BILLS FOR APPROVAL
11-Jul-05

| VENDORS | DEPT | AMOUNT |
|--------------------------------------------------------------|-------------|---------------|
| Ace Hardware, cablesnake fishtape, nipple, coupling | PW | 24.24 |
| Ace Hardware, clamp, hoses | PW | 9.12 |
| Ameripride, mats | PW | 101.26 |
| Anderson Brothers, | PW | 650.00 |
| BLADC, first payment for services rendered under 05 contract | EDA/Gov't | 1,750.00 |
| Bond Trust Services, bond series 2004a | Gov't | 20,951.19 |
| Bond Trust Services, administrative fees | Gov't | 450.00 |
| Cascade Computers, sales tax | Admin | 71.78 |
| City of Crosslake, sewer utility bills | PW/Gov't | 120.00 |
| Council #65, union dues | ALL | 246.40 |
| Crosslake Portable Welding, aluminum scraper | Sewer | 210.00 |
| Crosslake Rolloff, recycling | Gov't | 2,450.00 |
| Crow Wing County Hwy Dept, fuel for february | ALL | 2,061.70 |
| Crow Wing County Hwy Dept, fuel for march | ALL | 2,079.42 |
| Crow Wing County Treasurer, cpv subscription fee | Gov't | 166.67 |
| Deferred Comp | ALL | 226.92 |
| Delta Dental, dental insurance | ALL | 1,252.20 |
| Echo Publishing, public hearing notice of 7-8 | P&Z | 35.48 |
| Echo Publishing, envelopes | Police | 61.55 |
| Fortis, disability | ALL | 249.82 |
| Houston Ford, 3000 mile service | Police | 25.94 |
| Kathy Lundmark, refund tennis registration | P&R | 20.00 |
| Lakewood Bank, 1999 road improvement bond | Gov't | 3,307.50 |
| Mastercard, Brainerd Medical Supply, instant ice packs | P&R | 21.09 |
| Medica, health insurance | ALL | 14,399.90 |
| Menards, composite timber, silt fence, steel re-bar | P&R | 1,137.57 |
| Menards, weed barrier, garden staples | P&R | 162.54 |
| MN Benefits | Admin | 100.92 |
| MN Life, life insurance | ALL | 325.60 |
| MR Sign, hill signs | PW | 58.28 |
| NCPERS-Life Insurance | ALL | 144.00 |
| North Ambulance, subsidy | Ambulance | 1,103.00 |
| Northeast Technical Services, water test | Sewer | 134.94 |
| Northern National Bank, wilderness trail road bond | Gov't | 1,492.85 |
| Nortrax, repair wiring for ignition | PW | 426.83 |
| Office Max, copy paper | Admin | 25.53 |
| Office Max, receipts, pens, paper, folders | P&R | 40.60 |
| PERA | ALL | N/A |
| Powermation, meter | Sewer | 149.10 |
| Quill, covers, binding spirals, post its | Admin | 60.44 |
| Reed's Market, sentence to serve | P&R | 18.97 |
| Reed's Market, sentence to serve | P&R | 19.05 |
| Reed's Market, sentence to serve | P&R | 3.98 |
| Reed's Market, coffee, tissues, windex, napkins | Gov't | 46.65 |
| State and Federal Taxes | ALL | N/A |

| | | |
|-------------------------------------------|--------|-------------------|
| State Chemical Manufacturing, gloves | PW | 197.94 |
| Streichers, uniform | Police | 75.18 |
| Tom Swenson, vehicle allowance | Admin | 400.00 |
| USA Bluebook, phosphate test kit | Sewer | 142.53 |
| US Bank, bond series 2002 | Gov't | 11,418.75 |
| US Bank, disposal system bonds | Gov't | 53,006.25 |
| US Bank, mn public facility bond | Gov't | 58,933.75 |
| US Bank, 2000 and 2001 road project bonds | Gov't | 9,240.00 |
| US Bank, 1999 road project bonds | Gov't | 15,090.00 |
| Viking Coca Cola, pop | Gov't | 29.95 |
| Viking Coca Cola, pop | P&R | 44.41 |
| Widseth Smith Nolting, engineering fees | ALL | 2,795.20 |
| Xcel Energy, gas utilities | ALL | 234.45 |
| Ziegler Inc., grader payment | PW | 12,289.26 |
| | | |
| TOTAL | | 220,290.70 |

ADDITIONAL BILLS FOR APPROVAL
11-Jul-05

| VENDOR | DEPT | AMOUNT |
|---------------------------------------------------|----------|------------------|
| Ace Hardware, brackets for chart recorders | PW | 18.37 |
| Ace Hardware, bracket for radar trailer | Police | 4.04 |
| Ace Hardware, hinge, chrome ball | Fire | 15.19 |
| Blue Lakes Disposal, trash removal | ALL | 239.85 |
| County Recorder, hoag and murray recordings | P&Z | 39.00 |
| Crow Wing County Hwy Dept, fuel | ALL | 2,498.49 |
| Crow Wing Power, electric service | ALL | 3,088.86 |
| Culligan, water and cooler rental | PW/Gov't | 58.22 |
| Darlene Roach, reimburse mileage | Admin | 24.30 |
| Donna Keiffer, aerobics | P&R | 396.72 |
| Holiday of Crosslake, water | Fire | 40.16 |
| Ideal Contractor Supply, clamps, hoses, couplings | Sewer | 751.12 |
| Johnson, Killen, Seiler, personnel matters | Gov't | 251.60 |
| Mastercard, updated norton anti-virus | Police | 62.62 |
| Menards, cleanouts, pipe, elbows, couplings | Sewer | 271.42 |
| Metro Fire, foam concentrate | Fire | 295.00 |
| Mills Motors, diesel engine oil and filter change | PW | 74.52 |
| MR Sign, speed limit signs | PW | 98.02 |
| Northeast Technical Services, water testing | Sewer | 108.80 |
| Northwood Turf and Power, hammer | PW | 32.48 |
| Planning & Zoning Commissioners, 2nd qtr meetings | P&Z | 775.00 |
| Postmaster, postage for newsletters | Admin | 240.00 |
| Quill, ink cartridges | P&Z | 152.34 |
| Sandelin Law Office, legal expenses | ALL | 3,343.75 |
| Streichers, uniform | Police | 202.19 |
| Streichers, uniform | Police | 32.80 |
| TriCity Paving, upm mix | PW | 1,282.80 |
| Viking Coca Cola, pop | PW | 67.07 |
| Ziegler Cat, connector | PW | 17.19 |
| | | |
| TOTAL | | 14,481.92 |

CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION NO. 05-12
RESOLUTION ESTABLISHING TWO VOTING PRECINCTS WITHIN THE CITY

WHEREAS, currently, the City of Crosslake has one voting precinct for all residents of the City of Crosslake, and;

WHEREAS, population growth trends and state demographer projections for the City show a pattern of increased population of voting age residents, and;

WHEREAS, in order to conduct efficient elections that meet state and federal requirements and also offer the voter an opportunity to vote in a timely fashion, it is necessary to divide the City of Crosslake into two voting precincts.

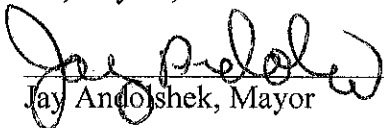
NOW, THEREFORE, BE IT RESOLVED, in accordance with Minnesota Statutes 204B.14, subdivision 3(b), the City of Crosslake in Crow Wing County, Minnesota hereby establishes two voting precincts in the City of Crosslake for the purpose of conducting federal, state, county and municipal elections.

BE IT FURTHER RESOLVED, the boundary dividing said precincts shall be as follows: County Road 16 from the west boundary of Crosslake to County Road 66, then County Road 66 to County Road 3, then County Road 3 to County Road 37, then County Road 37 to County Road 36, then County Road 36 to the east boundary of Crosslake. (See attached map)

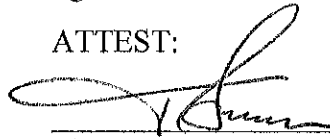
BE IT FURTHER RESOLVED, the name of the precinct north of the above described line will be Crosslake Precinct 1 and the polling location will be the Crosslake Community Center; the name of the precinct south of the above described line will be Crosslake Precinct 2 and the polling location will be at City Hall.

Adopted by a 4/5ths vote of the Crosslake City Council, July 11, 2005.

Dated July 11, 2005


Jay Andolshek, Mayor

ATTEST:


Thomas N. Swenson
City Administrator

The map displays two precincts in South Dakota. Precinct 1, located in the upper half, has a population of 1035 and is bounded by SD 2174 to the north and east, and SD 186 to the south. Precinct 2, located in the lower half, has a population of 818 and is bounded by SD 186 to the north and SD 182 to the east. The map includes a north arrow and labels for various lakes: Big Trout Lake, Island Lake, Ox Lake, McClain Lake, Little Pine Lake, Hen Lake, Rush Lake, Goodrich Lake, O'Brien Lake, Tamarack Lake, Rock Lake, Velvet Lake, Big Bird Lake, Green Lake, Pine Lake, and Cross Lake. Major roads shown are CO RD 16, CO RD 66, CO RD 3, CO RD 37, and CO RD 36.

 precinct boundary layer
 roads layer
 parcel layer

CWC AUDITOR'S MAP
7/5/2005

RESOLUTION NO. 05-11

**CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA**

**RESOLUTION OF SUPPORT
FOR THE DEVELOPMENT AND IMPLEMENTATION OF COUNTY-WIDE
RECORDS MANAGEMENT AND MOBILE COMPUTER AIDED DISPATCH SYSTEMS
BETWEEN THE CITY OF CROSSLAKE AND CROW WING COUNTY**

WHEREAS, the Cities of Brainerd, Baxter, Breezy Point, Crosby, Crosslake, Nisswa, Pequot Lakes, Deerwood, Emily, and Cuyuna, desire to partner with Crow Wing County to enhance public safety county-wide; and

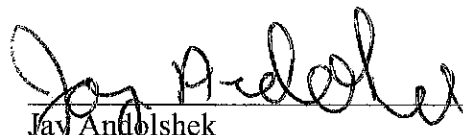
WHEREAS, a joint records management system (RMS) and mobile computer aided dispatch system (MCAD), will improve the effectiveness and efficiency of all law enforcement officers in Crow Wing County; and

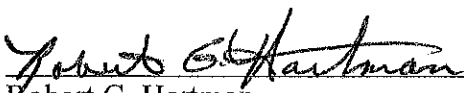
WHEREAS, Crow Wing County currently maintains the 911 emergency communications system for Crow Wing County Residents, and Crow Wing County staffs and maintains an Information Systems Department with the technical, personal, and intellectual resources necessary to maintain RMS and MCAD systems; and

WHEREAS, The aforementioned Cities and their Chief's of Police believe that Crow Wing County is ideally suited to develop and maintain a county-wide RMS and MCAD system to enhance public safety in Crow Wing County.

THEREFORE, be it resolved that the City of Crosslake urges the Crow Wing County Board to pursue the development and implementation of these public safety enhancing technologies with the full support, including potential cost-sharing support, from the City of Crosslake and the Crosslake Police Department.

Adopted by the Council this 11th day of July 2005.


Jay Andolshek
Mayor


Robert G. Hartman
Chief of Police