

SPECIAL COUNCIL MEETING
CITY OF CROSSLAKE
WEDNESDAY, MAY 19, 2004
1:00 P.M. - CITY HALL

Pursuant to due notice and call, the Council for the City of Crosslake met in a special session on Wednesday, May 19, 2004 at 1:00 P.M. at City Hall. The following Councilmember's were present: Dean Eggena, Bettie Miller, Irene Schultz, and Dick Phillips. Mayor Swanson was absent. Also present was Community Development Director Ken Anderson, City Administrator Tom Swenson, City Attorney Paul Sandelin, City Engineer Dave Reese and Clerk/Treasurer Darlene Roach. There were thirteen individuals in the audience.

1. Acting Mayor Irene Schultz called the meeting to order at 1:00 P.M
2. Bills for Approval - It was noted that the bills for approval included a pay request for Hammerlund Construction in the amount of \$224,689.96. WSN has reviewed this pay request and recommend payment. MOTION 05S1-01-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO APPROVE THE BILLS FOR PAYMENT IN THE AMOUNT OF \$257,112.36 WHICH INCLUDES PAYMENT OF PAY REQUEST #7 FOR HAMMERLUND CONSTRUCTION IN THE AMOUNT OF \$224,689.96. MOTION CARRIED WITH ALL AYES.
3. Jon Henke –
 - a. Update on Community Center Floor Plan – Park and Recreation Director Jon Henke informed the Council that Councilmember's Eggena and Schultz, City Administrator Swenson and himself have met with a contractor regarding replacement of the gym floor. Mayor Swanson spoke to representatives of the Brainerd School District regarding their gym floor regarding what is being proposed so, hopefully, a decision can be made at the next Council meeting.
 - b. Consideration/approval of an alternate on the Park and Recreation Commission – Fay Miller, who resides in Ideal Township, has requested to become an alternate member of the Park and Recreation Commission due to his 35 years of experience in the field. MOTION 05S1-02-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE FAY MILLER AS AN ALTERNATE MEMBER OF THE PARK AND RECREATION COMMISSION. MOTION CARRIED WITH ALL AYES.
 - c. Dave Reese – Update on Sewer Project and Connection Schedule – City Engineer Reese stated that the Collection System Contract has, for the most part, been completed. There are a few electrical items that need to be finished, but all work should be completed by Tuesday, May 25th. The last piece of force main pipe under the Pine River is in and the lines are currently being televised. A flush will be coordinated with the Fire

Department on Tuesday to run clear water through the lines. The second contract, which is the Treatment Plant, is ready to take flowage. The Sewer Committee, at its meeting earlier this date, approved a motion to recommend start up of the sewer plant on Wednesday, May 26th. Councilmember Phillips asked how the start-up process interfaces with the MPCA and Reese stated that they would like a period of one to two months before inspecting the system. In a discussion with Hammerlund Construction, they are prepared to perform restoration, hydro-seeding and blacktopping before Memorial Day. WSN will put together a list of punch list items. MOTION 05S1-03-04 WAS MADE BY BETTIE MILLER AND SECONDED BY DICK PHILLIPS TO DECLARE MAY 26, 2004 FOR START UP OF SANITARY SEWER AND CONNECTION TO THE SYSTEM. It was the consensus of the Council that Bettie Miller review the punch list items with the City Engineer and City Staff. MOTION CARRIED WITH ALL AYES.

City Administrator Swenson stated that another item discussed during the Sewer Committee Meeting was the blacktopping of the lift stations. Originally the lift station areas were designed to have Class 5 around them and a discussion was held regarding having these areas paved at the same time other areas in Crosslake are paved. A quote was received from Anderson Brothers in the amount of \$8,536. A motion was made by the Sewer Committee recommending Council approval on the blacktopping of the lift stations with the cost coming out of the contingency funds. Councilmember Eggena asked the size of the lift station area and City Engineer Dave Reese indicated approximately 30'x30', but the contractor needs to work around the manhole covers and controls. MOTION 05S1-04-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY BETTIE MILLER TO ACCEPT THE RECOMMENDATION FROM THE SEWER COMMITTEE TO BLACKTOP THE FIVE LIFT STATIONS. MOTION CARRIED WITH ALL AYES.

4. Ken Anderson –

- a. Review/Approval of S04-003, Sundance Ridge CIC No. 1058 – Stuart Swenson of Sundance Ridge was present at the meeting. The Sundance Ridge Development currently consists of four buildings, with three of the buildings being duplexes and the fourth building a quad unit. A recreation building is constructed on the property and is part of the Common Element. Buildings 4 and 6 are not included in this final plat. Mr. Swenson is requesting final plat approval in order to sell the units to perspective buyers. There were a number of conditions placed on the preliminary plat approval that needed to be completed before consideration of final plat approval. These conditions consist of: 1.) review of the final plat by the City Attorney, City Engineer and City Surveyor; 2.) reimbursement of legal, engineering, attorney and surveyor fees incurred by the City including payment of park dedication fees; 4.) conditions for approval of all previous actions in regard to this application shall be incorporated herein; and 5.) a copy of the trail easement/lease

agreement between the U.S. Army Corps of Engineers and the developer/applicant be provided to the City prior to signing the final plat. The Council approved a 505 Plat for Sundance Ridge, CIC No. 1058 and Final Plat 515 approval is being requested at this time. Anderson stated that there are some additional concerns regarding the application and supporting documents which have been expressed by the City Surveyor, City Attorney, and Community Development Staff. Most notable of these include that the Corps of Engineers agreement submitted by the developer did not include a copy of Exhibit A. This exhibit needs to be provided to the City Attorney. Secondly, the agreement needs to reflect that the developer and future purchasers of units within the development have the rights in the License Agreement to use the Corp's property and this needs to be disclosed to the purchasers. Thirdly, the developer needs to know that the stairway constructed to the docks is wider than the four feet allowed by ordinance. Fourth, the developer must insure that the dock slips shall be restricted to no more than the ten approved in the original approvals for this development. Finally, the Council should also be assured that the architect will certify to the units being "substantially complete". The Planning and Zoning Commission reviewed the final plat and recommends Council approval of the Final Plat 515 for Sundance Ridge, CIC No. 1058 subject to all the conditions. City Attorney Sandelin stated that there is a license agreement that allows use of a trail across the Corps of Engineers property that the City needs to make sure is transferable. Currently this document is in Mr. Swenson's name and the City needs to make sure that it can be conveyed to the purchaser. This document needs to be provided to the purchasers along with the covenants. Community Development Director Ken Anderson stated final plat approval would require completion of the conditions along with a letter from City Surveyor Jeff Miller and City Attorney Paul Sandelin indicating that the conditions have been met. Brooke Silvernail, of Norson Construction, needs to certify that in his professional judgment, substantial completion of the units has been done according to the plat. Stuart Swenson asked when flow could be sent through the sanitary sewer system and he was told to wait until after the cleaning of the lines has been done. The Council, earlier in the meeting, declared Wednesday, May 26th as start up date for the sanitary sewer system. Anderson also noted that the five year agreement with the Corps of Engineers can be rescinded at anytime, however when it terminates, it is the Association that needs to work with the Corps to get it renewed. Councilmember Eggena asked if there were going to be any additional docks on the Corps property and Mr. Swenson stated that there would not be. MOTION 05S1-05-04 WAS MADE BY DEAN EGGENA AND SECONDED BY BETTIE MILLER TO APPROVE THE FINAL PLAT (515) FOR SUNDANCE RIDGE, CIC NO. 1058 SUBJECT TO ALL CONDITIONS STATED AS PART OF THE FINAL PLAT APPROVAL AND ALL CONDITIONS STATED BY THE CITY SURVEYOR, CITY ATTORNEY AND STAFF. Councilmember Eggena stated that the development started out as 18 units and is now receiving final plat approval for ten units. Eggena stated that the developer needs to know

that there is now a moratorium on planned unit developments on waterfront property and wants the record to reflect that the developer may not get the final buildings as originally proposed. Stuart Swenson stated that the Developer's Agreement reflects a Phase I, Phase II and Phase III which addresses final plat approval in stages. City Attorney Sandelin agreed with this stating that there will be a supplemental plat which contains the remaining two buildings for a total of three plats for this development. Stuart Swenson stated that the building permits for the last two buildings have already been issued. MOTION CARRIED WITH ALL AYES.

- b. Update on Staffing – Community Development Director Ken Anderson stated that the good news was that one of the two candidates did accept the position of Planner-Zoning Coordinator and will start June 1st. The bad news is that the second candidate did not accept the position, so Staff will need to determine if they want to re-advertise or review the previous applications. Approval was requested to approve the hiring of the one candidate. MOTION 05S1-06-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO APPROVE THE HIRING OF CARIE FUHRMAN TO THE POSITION OF PLANNER-ZONING COORDINATOR ON STEP 4 OF THE 2004 WAGE SCHEDULE. MOTION CARRIED WITH ALL AYES.

- 5. City Engineer Dave Reese presented the status of storm sewer work in the downtown area. Since the project began under previous Councils, a recap of the work since its inception in 1996 was reviewed. In 1996, discussion began to construct a road between County Road 66 and County Road 3 to release traffic congestion in the downtown area. A rural road section was designed and in discussions with the various property owners a decision was made to upgrade the road to a commercial section of road which led to discussion regarding easements, sidewalks and curb and gutter. In 1996 and 1997, right-of-way was obtained for what is currently Swann Drive and road construction to an urban style road was designed with the City paying for the cost of a rural road and the property owners paying the additional cost of an urban road. The incorporation of additional property between County Road 3 and County Road 66 from the golf course to the church property resulted in the establishment of a downtown district. The City worked with WSN to create a downtown district with sanitary sewer and storm sewer. This Master Plan was approved in 1998 and was to be used as a guide for landowners in this district. In February 2000, a feasibility study for specific improvement to Pioneer Drive was completed and this study included storm sewer plans for an urban district allowing 80% impervious coverage provided storm sewers were installed. The primary developer of Pioneer Drive hired WSN to prepare plans for construction of storm sewer and retention areas and these plans were let for bids to Anderson Brothers. Since sanitary sewer had not yet materialized, construction was delayed. In order to complete storm sewer, it became evident that wetland filling was required to support development and Wetland Permitting began as a joint project with Crosswoods Development, Bill Reed and Joe Slack and an application was made to the Crow Wing Soil and Water Conservation District and the Corps of Engineers to obtain permits for road building and etc. This wetland mitigation was an in depth process with the DNR

and SWCD which resulted in a permit being issued. The City let contracts for City sanitary sewer and as a part of the mitigation for wetland filling a portion of Joe Slack's property, where the septic is located, was negotiated. In order to mitigate this property, sanitary sewer needed to be on line, so an extension to September 30, 2004 was approved. It is this deadline that has prompted discussion with the various property owners regarding this project. WSN is concerned with the Wetland Permit expiration date since there is no guarantee of an extension and there has been no movement by the property owners to complete the project. Reese stated that the Council needs to determine if this warrants becoming a City project with assessments. Based on this, WSN has come up with some graphics to show where the sewer is located, where the easements and property lines are located relative to the wetlands and the continuity of drainage as well as storm water retention areas.

City Administrator Swenson suggested that anyone wishing to address the Council should go to the podium to speak into the microphone system.

Councilmember Eggena stated that we can't stop the project now because projects have been approved based on 80% impervious coverage. The City has operated at 50% impervious coverage for years and to get beyond this, storm sewers are needed. The question is, how would the property owners like it done. If by assessment, Eggena stated he would like to hear from the property owners.

Swenson stated that although Crosswoods Development is involved they are in a different category than the remainder of the property owners. City Engineer Reese agreed that the project could be divided along Pioneer Drive. Crosswoods Development has constructed storm sewers to accommodate the 80% impervious coverage.

Bill Reed stated that he had WSN determine where the runoff was coming from and what the cost would be in order that these costs could be distributed among the various property owners. Reed stated that he was picking up the whole bill for the project so far and wanted to know how other property owners including the Catholic Church were affected. Reed feels it would be crazy to stop the project now.

Terry Curtis addressed the Council representing Crosswoods Development and himself as a property owner adjacent to the Downtown District. Curtis stated it was never the intention to stop the project, but to see the whole district developed. Crosswoods Development installed a stormceptor to handle the storm water runoff and it is Mr. Anderson's intent to continue on and build an infrastructure that is pedestrian friendly. As a property owner, he feels it seems ludicrous to add more impervious coverage that drains across the road to his property. He feels, at a minimum, runoff should be treated, however, we can't stop now, we need to proceed.

Darrell Schneider requested clarification of Curtis as to whether additional treatment was needed by Crosswoods even though the stormceptor has been installed. Curtis stated that he feels the same method needs to be addressed on all the properties.

Joe Slack stated that the Council is getting concerned about the benefits to three property owners. He stated that he got involved because there was a need for property for wetland

mitigation. He stated that the purchase price of the property he purchased from Bill Reed was based on the permit being fulfilled. Councilmember Eggena asked Slack if he would agree to staying at the 50% impervious coverage and not being a part of the downtown district. Father Dennis Hoffman addressed the Council and stated that it was their understanding that the downtown development needed a part of their wetland. He stated that the church was surprised and mystified how this took place and would hope to not be assessed for any of the work that is done. Councilmember Eggena asked how the Church would market their property when it is put up for sale. Would it be with 50% impervious or 80% impervious coverage allowed. Father Hoffman stated this was unknown at this time. City Administrator Swenson asked if the culvert on Swann Drive (on the side of the road adjacent to the Catholic Church), was plugged is the wetland area sufficient to handle the runoff. Attorney Gerry Brine addressed the Council and stated that there is a bigger issue here than originally thought. He stated that he is being told today that 55% of the runoff is coming from the Church property and this needs to be reviewed and looked at in more detail.

There was some discussion as to whether the City should get involved to bring this project to completion. City Attorney Sandelin stated that there are two choices. Either the developer's work together to get it done, or the City takes it over as a City project. Councilmember Schultz asked who has paid for the expenses to date. She was informed by City Engineer Reese that the costs, to this point, have been paid for by Bill Reed, Joe Slack and Crosswoods Development. Councilmember Eggena asked what happens if we limit the downtown district to the Anderson and Reed property. City Engineer Reese stated that the area could be downsized, but the concern would be with the 80% impervious coverage on other properties. Darrell Schneider asked what costs are anticipated and Bill Reed stated that the cost would be approximately \$167,685. It was agreed that the issue be tabled to allow property owners time to consider the options. MOTION 05S1-07-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO TABLE THE STORM SEWER ISSUE IN THE DOWNTOWN DISTRICT TO TUESDAY, MAY 25TH AT 1:00 P.M. AT CITY HALL. Councilmember Schulz asked how long it would take to do the work to satisfy the permit and City Engineer Dave Reese stated that the only part that needed to be completed at this time would be the wetland filling and mitigation. Construction of the storm sewer and pond doesn't have a deadline. MOTION CARRIED WITH ALL AYES.

MOTION 05S1-08-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO ADJOURN THIS SPECIAL COUNCIL MEETING AT 3:16 P.M.
MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,


Darlene J. Roach
Clerk/Treasurer

BILLS FOR APPROVAL

19-May-04

VENDOR	DEPT	AMOUNT
Ace Hardware, flange floor, pipe	PW	21.26
Ace Hardware, tube pipe	PW	7.98
Ace Hardware, plumbing and heating	P&R	1.59
Ace Hardware, nuts, bolts	PW	16.27
Ace Hardware, pipe, clip, gripper	PW	19.77
Allsafe Lock and Key, padlocks, keys	PW	731.65
Anna Larson, refund baseball registration	P&R	25.00
Brainerd Dispatch, employment ad	P&R	113.52
Brainerd Dispatch, employment ad	P&Z	313.12
Cascade Computers, retrieve info, setup software	Admin/P&Z	357.50
Cellular One, cell phone charges	PW	28.07
Chief Supply, hood, battery	Fire	193.87
Crow Wing County Treasurer, tif administration	Gov't	200.00
Culligan, water and cooler rental	Gov't	41.47
Davies Water Equipment, water meters	Sewer	2,117.03
Hammerlund Construction, pay request #7 (see attached)	Sewer	224,689.96
LaSalle Bank,, fire truck bond payment	Fire	23,697.56
Echo Publishing, notice to bid on firetruck	Fire	37.50
Mastercard, Home Depot, fridge, con mix	PW	450.30
MCFOA, annual membership	Admin	70.00
Menards, triple roller stand	PW	69.20
Menards, turf	PW	427.87
M R Sign, no parking and stop signs	PW	385.42
M R Sign, posts	PW	1,570.35
Pequot Auto Parts, filter	PW	6.56
Pequot Auto Parts, filters	PW	32.38
Public Safety Center, cassette tapes	Police	67.17
Simonson Lumber, plywood, drywall	P&R	71.75
The Office Shop, vhs tapes, lead	Admin	24.41
USA Bluebook, sewer equipment	Sewer	766.72
US Tennis Assn, membership dues	P&R	25.00
Viking Coca Cola, pop	P&R	143.99
Zep Manufacturing, cleaning products	Gov't/PW	388.12
TOTAL		257,112.36