

**COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
REGULAR COUNCIL MEETING
TUESDAY, NOVEMBER 12, 1996
NEW CITY HALL**

The Council for the City of Crosslake met in the Council Chambers of City Hall on Tuesday, November 12, 1996. This was a change in day due to the Veteran's Holiday. The following Councilmembers were present: Mayor David M. Kolesar, Charles O. Miller, Raymond P. Smyth, Dr. Richard Upton, and John (Jack) R. Webster. Also present was City Clerk Arlene A. Buchite and City Attorney Paul Sandelin. There were approximately 55 citizens in the audience.

Mayor Kolesar called the Regular Council Meeting to order at 7:00 P.M.

CRITICAL ISSUES -

A request had been received from Moonlite Square for the transfer of the off sale liquor license currently held by Patrick Murphy, owner of the Exchange Club, to their business. Mr. Murphy had agreed in writing to relinquish his license to Moonlite Square.

City Attorney Paul Sandelin stated that the City was not issuing an additional license but transferring an existing license. He stated that the applicant is still required to go through all the necessary background checks, apply for a license through State Liquor Control and provide the City with a Certificate of Insurance. These items had all been completed by the applicant.

Mike Wiebolt, representing Moonlite Square LLC, addressed the Council and answered several questions from both Councilmembers and the audience. The location of the liquor store relative to the other portion of the business, the type of entrance, age of employees, type of marketing that will be done to draw customers, the number of licenses in Crosslake compared to other Cities, public safety, impact on younger population, and store's location to the Community Center were all questions and concerns that were raised.

After an hour of discussion and numerous reminders that this issue was only a transfer issue and not the issuing of a new license, a motion was called for. MOTION 11R-01-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO APPROVE THE TRANSFER OF THE OFF-SALE LIQUOR LICENSE CURRENTLY AT THE EXCHANGE TO MOONLITE SQUARE. MOTION DID NOT PASS WITH WEBSTER, SMYTH AND UPTON VOTING NAY.

CONSENT CALENDAR -

MOTION 11R-02-96 WAS MADE BY RAY SMYTH AND RICHARD UPTON TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF OCTOBER 14, 1996 REGULAR COUNCIL MEETING; (2) TELEPHONE COMPANY FINANCIAL REPORT FOR AUGUST, 1996; (3) TELEPHONE COMPANY FINANCIAL REPORT FOR SEPTEMBER, 1996; (4) CABLE COMPANY FINANCIAL REPORT FOR AUGUST, 1996; AND (5) CABLE COMPANY FINANCIAL REPORT FOR SEPTEMBER, 1996. MOTION CARRIED UNANIMOUSLY.

CLERK'S REPORT -

A list of bills was presented to the Council. Mayor Kolesar requested that some of the money owed to Crosslake Construction be withheld until the brick work is completed and a run through of the building is completed. Jack Webster stated that \$4,839.00 is being held to finish the concrete work and \$1,640.00 for the landscaping work which is the bulk of the work.

MOTION 11R-03-96 WAS MADE BY JACK WEBSTER AND SECONDED BY RAY SMYTH TO APPROVE ALL BILLS AS PRESENTED INCLUDING: (1) GAMMELLO SANDELIN P.A. FOR \$1,577.00; (2) WIDSETH SMITH NOLTING & ASSOCIATES FOR \$8,686.16; (3) GOPHER STATE CONTRACTING PAYMENT NO. 7 FOR \$66,854.20 AND PAYMENT NO. 8 FOR \$53,017.80; (4) COUNTY AUDITOR FOR ELECTION NOTICE FOR \$325.92; (5) MICK JUSTIN FOR PROFESSIONAL FEES FOR NEW SOFTWARE FOR \$4,775.00; (6) SCHROEDER MOVING FOR CITY HALL MOVE FOR \$900.00; (7) BRAINERD LAKES AREA DEVELOPMENT CORPORATION FOR \$550.00; (8) CROSSLAKE CONSTRUCTION FOR PAYMENT #3 ON CITY HALL FOR \$40,836.00; (9) AALCO FOR VOLLEYBALL AND TENNIS POSTS FOR \$1,596.00; (10) THE OFFICE SHOP FOR NEW WORKSTATIONS FOR \$13,392.66; (11) CROSSLAKE SANITATION FOR RECYCLING FOR \$950.00; (12) FIRST TRUST FOR PAYMENT ON BONDS FOR \$23,892.50; (13) COMPRESS AIR FOR \$353.50; (14) PEQUOT SAND AND GRAVEL FOR \$1,384.50; AND (15) LEAGUE OF MINNESOTA DUES FOR \$876.00. MOTION CARRIED UNANIMOUSLY.

MAYOR'S REPORT -

Mayor Kolesar congratulated the new officials who won the election.

Two quotes had been received for cleaning City Hall. Matt's Cleaning of Pine River quoted \$210.00 per week and Allison Stevie, a North Ambulance employee which is housed in the building, quoted \$60.00 per week.

MOTION 11R-04-96 WAS MADE BY RAY SMYTH AND SECONDED BY RICHARD UPTON TO ACCEPT THE BID FROM ALLISON STEVIE TO CLEAN CITY HALL ON A CONTRACT BASIS FOR \$60.00 PER WEEK. MOTION CARRIED UNANIMOUSLY.

The area art club will be hanging paintings in the new City Hall.

Mayor Kolesar complimented all the City employees on the move to the new location. An open house will be held on Saturday, December 14th from 3:00 P.M. to 5:00 P.M.

COMMISSION REPORTS -

PLANNING AND ZONING -

The Commission recommended approval of Ordinance #84, Third Series dealing with the reclassification of Wetlands #638, 639 and 640 as general development lakes requiring a 75' setback for any future structures.

MOTION 11R-05-96 WAS MADE BY JACK WEBSTER AND SECONDED BY RICHARD UPTON TO APPROVE ORDINANCE NO. 84, THIRD SERIES WHICH

CLASSIFIES WETLANDS #638, #639 AND #640 AS GENERAL DEVELOPMENT LAKES. MOTION CARRIED WITH CHUCK MILLER VOTING NAY.

The Comprehensive Plan will be on the agenda for the December Council Meeting.

PARK AND RECREATION -

Ray Smyth updated the Council on the status of the construction account for the Community Center through Payment #8 for Gopher State Contracting. The total funds available, including the bond issue, amounted to \$847,536.00. The original projected construction cost of \$755,226.00 plus change orders of \$7,815.00 brings the revised contract amount to Gopher State of \$763,041.00. Payments made to Bonestroo Rosene Anderlik & Associates of \$58,917.00 as well as payments made for a well, soil testing, fireplace materials and other miscellaneous items brings the expenditures to a total of \$774,154.99. The carpeting and lighting for the gymnasium are outstanding for approximately \$4,500.00. A recent meeting with Everett Sobania of Gopher State, two members of the flooring subcontractor's staff, Rob Larson and Ray Smyth and, via telephone conferencing, the Architect, resulted in suggestions for the drying of the concrete floor. The cost of the fast drying method would run somewhere between \$3000.00 and \$4,000.00. Since the moisture level has decreased from 7 pounds to 4½ to 5 pounds since October, Ray Smyth recommended holding off making a decision until December on the drying process.

Mayor Kolesar commended Ray Smyth on a job well done in keeping the cost of the Community Center within the budget.

Rob Larson requested approval to hire a building assistant to cover evenings and weekends. The hours would be divided between the current program assistant and a new part-time employee.

MOTION 11R-06-96 WAS MADE BY RAY SMYTH AND SECONDED BY RICHARD UPTON TO HIRE ROSE STIMAC AS A PART TIME BUILDING ASSISTANT AT A COST OF \$5.00 PER HOUR UP TO 15 HOURS A WEEK WITH A ONE YEAR PROBATIONARY PERIOD. MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY -

Richard Upton informed the Council that a survey from the Office of the Legislative Auditor regarding misdemeanor prosecutions within the City had been forwarded to the City Attorney's Office for action.

Under the COPS FAST program, the City has received \$21,197.29 in federal money for the first two quarters of 1996. A report has been submitted to the Department of Justice for the third quarter, but the request for payment has not been submitted. Richard Upton requested approval to hold the request for payment for the third quarter of \$12,411.11 until the fourth quarter request is submitted in early 1997. This would spread the money out more evenly over the length of the program.

MOTION 11R-07-96 WAS MADE BY RICHARD UPTON AND SECONDED BY RAY SMYTH TO HOLD THE PAYMENT REQUEST FOR COPS FAST UNTIL THE FIRST QUARTER OF 1997. MOTION CARRIED UNANIMOUSLY.

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North Ambulance had a total of 18 callouts in October.

The Police Department reported 72 incidents in Crosslake and 18 in Mission Township in October.

The Fire Department responded to 7 calls in October with 5 being emergency medicals, 1 structure fire and 1 boat fire.

PUBLIC WORKS -

Dean Swanson reported that the report from the engineer's office had been received which showed the acreage involved for the seven property owners along Wilderness Road. Approval to proceed with obtaining the property was requested.

MOTION 11R-08-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO HIRE A LOCAL APPRAISER TO GIVE US AN ESTIMATE ON THE PURCHASE OF RIGHT-OF-WAY FOR WILDERNESS ROAD. MOTION CARRIED UNANIMOUSLY.

MOTION 11R-09-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO PURCHASE 200 YARDS OF SAND FROM PEQUOT SAND AND GRAVEL FOR \$6.50 PER YARD; 25 TONS OF SALT FROM CUTLER MAGNER AT \$36.90 PER TON; AND 4 TIRES FROM NORTH PINE RIVER TIRE FOR \$2,020.00. MOTION CARRIED UNANIMOUSLY.

The Commission requested that a legal opinion be obtained from the City Attorney before any action is taken on the Chatham Park South road.

MOTION 11R-10-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RAY SMYTH TO ADVERTISE TO SELL A 6X6 CARGO TRUCK AND 1996 PICKUP BOX. MOTION CARRIED UNANIMOUSLY.

The proposal for Engineering Services for Wastewater Facilities Funding which was placed on the agenda under Public Works will be reviewed by the Long Range Planning Commission and heard at the December Council meeting. Pat Conray, a grant writer recommended by Widseth Smith Nolting and Associates, was present to answer any questions the Council had regarding his services.

MOTION 11R-11-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO TABLE HIRING A GRANT WRITER FOR THE WASTEWATER PLANT UNTIL THE DECEMBER MEETING WHEN IT WILL BE HEARD UNDER LONG RANGE PLANNING. MOTION CARRIED UNANIMOUSLY.

UTILITIES -

A Special Council meeting will be held on Tuesday, November 26th at 9:00 A.M. at City Hall to review the Telephone Company.

LONG RANGE CAPITAL PLANNING -

**Purchase agreements had been received for three lots in Gendreau Addition.
MOTION 11R-12-96 WAS MADE BY CHUCK MILLER AND RAY SMYTH TO ACCEPT THE PURCHASE AGREEMENT FROM TOM MEZZENGA AND JOOS**

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ELECTRIC FOR SELLING THREE LOTS IN THE GENDREAU ADDITION AT A COST OF \$5,500 PER LOT. MOTION CARRIED UNANIMOUSLY.

The Commission is investigating the pros and cons of multi-district schools and will be contacting the Education Committee for assistance in this area. Matt Engen has provided information on some possible bike paths in the Crosslake area. These bike paths will be worked into the road plan so when paving is done the bike path can be put in at the same time.

PERSONNEL -

At a special meeting on November 7th the Council approved Eric Lee as a new police officer starting November 15th.

Rob Larson was recommended for an increase bringing his hourly salary to \$13.25 effective October 1st.

MOTION 11R-13-96 WAS MADE BY RAY SMYTH AND SECONDED BY RICHARD UPTON TO INCREASE ROB LARSON'S SALARY TO \$13.25 PER HOUR EFFECTIVE OCTOBER 1, 1996. MOTION CARRIED UNANIMOUSLY.

RECYCLING -

A total of 100.25 tons have been recycled year-to-date compared with 48.46 tons in 1995.

ECONOMIC DEVELOPMENT AUTHORITY - Nothing

EDUCATION COMMITTEE - Nothing

OLD BUSINESS -

Chuck Miller asked for a clarification on Motion 10-12-96. The motion currently reads "to proceed with adopting the building code and to revise the fee structure so all expenses will be paid by fees". The Council agreed that the intent was to proceed with the procedure to adopt the uniform building code. A public hearing would be required prior to the UBC being adopted.

A policy regarding the vacating of roads, which had been tabled at a prior meeting, was discussed. The City Attorney recommended an Amendment to Chapter 6, Section 6.27 of the City Code which would require petitioning parties to commence action in District Court. This amendment, which was read by Jack Webster, would require the petitioning party to provide notice to the City and adjoining landowners for an opportunity to respond. **MOTION 11R-14-96 WAS MADE BY JACK WEBSTER AND SECONDED BY CHUCK MILLER TO APPROVE THE PROPOSED ORDINANCE FROM THE CITY ATTORNEY ON ROAD VACATION PROCEDURES. MOTION CARRIED UNANIMOUSLY.**

It was suggested that a change be made in the Ordinance requiring developers requesting TIF monies to put money up front to cover expenses associated with these projects.

PUBLIC FORUM -

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NEW BUSINESS -

MOTION 11R-15-96 WAS MADE BY CHUCK MILLER AND SECONDED BY JACK WEBSTER TO APPROVE THE PUBLIC WORKS FOREMAN ATTENDING THE PUBLIC WORKS CONFERENCE IN BLOOMINGTON NOVEMBER 20TH THROUGH NOVEMBER 22ND. MOTION CARRIED UNANIMOUSLY.

Arlene Courneyea asked the City Attorney if a copy of the 1956 survey for Willwood Road had been received. Attorney Sandelin stated he was not aware of this survey. Dick Upton, in an attempt to clarify the number of surveys, asked if there was a 1956 survey and a 1985 survey.

MOTION 11R-16-96 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO ADJOURN AT 9:25 P.M. MOTION CARRIED UNANIMOUSLY.

Transcribed and edited by:



**Arlene A. Buchite
City Clerk/Treasurer**