

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
REGULAR COUNCIL SESSION
MONDAY, DECEMBER 14, 1992
7:30 P.M. AT CITY HALL

The Council for the City of Crosslake Minnesota met in the Council Chambers of City Hall on Monday, December 14, 1992. Present were the following Councilmembers: Mayor Kurt E. Anderson, Lyle M. Arends, Charles D. Miller, Dean L. Swanson and John R. Webster. Also present was City Attorney James Gammello, City Engineer Will Hoyt and approximately 27 citizens.

Mayor Anderson called this meeting to order at 7:30 p.m. stating that the first item on the agenda would be the Consent Calendar.

MOTION NO. 12R-01-92 WAS MADE BY C. MILLER AND SECONDED BY L. ARENDS TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF NOVEMBER 9, 1992 REGULAR COUNCIL MEETING; (2) MINUTES OF NOVEMBER 16, 1992 SPECIAL COUNCIL SESSION; (3) MINUTES OF DECEMBER 08, 1992 PUBLIC HEARING; (4) MINUTES OF DECEMBER 10, 1992 TRUTH IN TAXATION HEARING; (5) THE CLERK/TREASURER'S FINANCIAL REPORT FOR NOVEMBER, 1992; (6) THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR NOVEMBER, 1992; AND (7) THE CABLEVISION COMPANY'S FINANCIAL REPORT FOR NOVEMBER, 1992. MOTION PASSED UNANIMOUSLY.

CLERK'S REPORT - MOTION NO. 12R-02-92 WAS MADE BY L. ARENDS AND SECONDED BY D. SWANSON TO PAY ALL BILLS INCLUDING: (1) CITY ATTORNEY GAMMELLO'S BILL FOR \$583.00; (2) HEARTLAND TIRE FOR 4 TIRES FOR DUMP TRUCK PLUS MOUNTING \$921.29; AND (3) CROW WING COUNTY HIGHWAY DEPT FOR SALT/SAND FOR \$1,837.29. MOTION PASSED UNANIMOUSLY.

Councilmember Swanson stated that he had been looking at computers and software for the Clerk's Office and the Police Department plus a new monitor in the Planning and Zoning office for radiation protection. MOTION NO. 12R-03-92 WAS MADE BY D. SWANSON AND SECONDED BY C. MILLER TO BID 2 COMPUTERS AND ONE ADDITIONAL COLOR MONITOR. MOTION PASSED UNANIMOUSLY.

MOTION NO. 12R-04-92 WAS MADE BY D. SWANSON AND SECONDED BY J. WEBSTER TO ALLOW THE CLERK TO CARRYOVER A MAXIMUM OF 82.75 HOURS VACATION INTO 1993 TO BE USED IN FEBRUARY. MOTION PASSED UNANIMOUSLY.

Clerk Buchite informed the Council that she had spoken to Crow Wing County Solid Waste Coordinator Karl Fryklind regarding both the County and City licensing rubbish haulers. Mr. Fryklind stated that the County intends to continue licensing haulers. It was the consensus of the Council that both entities need not license the haulers so therefore, the City would not. Clerk

Buchite also indicated that Ordinance No. 27, Third Series, dated June 11, 1990 repealed the City Ordinance to license the haulers.

MOTION NO. 12R-05-92 WAS MADE BY C. MILLER AND SECONDED BY L. ARENDS TO APPROVE THE CHARITABLE GAMBLING LICENSE FOR THE LIONS CLUB TO HAVE PULL-TABS AT THE BAIT BOX. MOTION PASSED UNANIMOUSLY.

MOTION NO. 12R-06-92 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO APPROVE HAVING THE CLERK SIGN THE \$100,000.00 PLEDGED SECURITY FROM NOTHERN NATIONAL BANK. MOTION PASSED UNANIMOUSLY.

Mr. Swanson stated that he would like to have Chapter 2, Section 2.02, Subdivision 3 changed so as to have Council packets 3 working days before a meeting. It was the consensus of the Council that an ordinance change would not be necessary. MOTION NO. 12R-07-92 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO HAVE COUNCIL PACKETS READY THREE WORKING DAYS BEFORE THE REGULAR MONTHLY COUNCIL MEETING. MOTION PASSED UNANIMOUSLY.

Clerk Buchite indicated that the Xerox representative gave her a quote for a new copy machine since the current machine no longer has a warranty in effect. It was the consensus of the Council to obtain quotes for a new copy machines.

MAYOR'S REPORT - MOTION NO. 12R-08-92 WAS MADE BY C. MILLER AND SECONDED BY L. ARENDS TO CONTINUE PUBLISHING THE AGENDA BUT TO DISCONTINUE PUBLISHING THE APPROVED MOTIONS. MOTION PASSED UNANIMOUSLY.

Mayor Anderson updated the Council on the loan from REA stating that a new motion with the Mayor's name in it was necessary to supersede Resolution No. 7R-04-92 passed July 13, 1992. MOTION NO. 12R-09-92 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO HAVE MAYOR KURT E. ANDERSON COMMIT AND REQUISITION FUNDS FOR THE CITY OF CROSSLAKE FOR A \$100,000.00 NO INTEREST LOAN FROM THE RURAL ELECTRIFICATION ADMINISTRATION, TO BUILD A NEW FIRE HALL. MOTION PASSED UNANIMOUSLY.

Mayor Anderson noted a letter from Juran & Moody, Inc. regarding additional information on a lease/finance program for the new fire hall. Mayor Anderson stated that the payback under the lease program for \$350,000 would run approximately \$36,000 a year. Mayor Anderson informed the Council that the City is currently budgeting between \$55,000 and \$59,000 for Gov't. Obligation Bonds which will be budgeted for the last time in 1993 so taxes will not increase if the City would have to levy for the new fire hall. Mayor Anderson said that the Council should decide if the City should proceed with some engineering studies with the \$60,000 (including monies from the 1993 budget) in the fire department building account. MOTION NO. 12R-10-92 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO GET SOME PRELIMINARY ENGINEERING AND DESIGN WORK DONE FOR THE NEW FIRE

HALL AND ALSO A COST PROJECTION. MOTION PASSED UNANIMOUSLY.

It was the consensus of the Council that a public hearing should be held to get citizens input when some dollar figures are known. Mayor Anderson informed the Council that the Fire Department Building Committee would be meeting on the following Wednesday and Councilmembers would be welcome to attend.

Mayor Anderson read a resolution prepared by the City Attorney as a part of the loan from REA. A copy of this resolution is attached to and becomes a permanent part of these minutes.

MOTION NO. 12R-11-92 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO APPROVE THE RESOLUTION AS PREPARED BY THE CITY ATTORNEY RELATING TO THE ZERO INTEREST LOAN FROM REA. MOTION PASSED UNANIMOUSLY.

PLANNING AND ZONING - Discussion ensued regarding the preliminary plat of Ox Lake Landing and the reclassification of Ox Lake from general development to either Recreational Development or Natural Environment. A motion was made by L. Arends to table the classification of Ox Lake until the City Attorney has more time to get the facts together. Motion was seconded by C. Miller. City Attorney Gammello said that the City must be sure that the procedures and time table are accurate. The motion and second were withdrawn.

Coordinator Hastings stated that there are a few items that the developer still needs to address such as bluff impact zone, boat launching and some others. Mr. Gammello says the City has 120 days after the application is complete to approve or deny the preliminary plat.

Pat Murphy, a resident living on Ox Lake was present and stated that a plat that has been resubmitted because of the road change or whatever should be classified as a new plat. Mr. Murphy also handed the City Clerk a request, containing approximately 25 names, for an environmental assessment on the development known as Ox Lake Crossing.

Discussion ensued regarding the possible need for an Environmental Assessment Worksheet and the legality of changing the classification of the lake at this point. A suggestion was made from a resident that Crosslake, Fifty Lakes and Manhattan Beach get together to share ideas.

City Attorney Gammello suggested that Planning and Zoning come up with an interium ordinance.

MOTION NO. 12R-12-92 WAS MADE BY J. WEBSTER AND SECONDED BY L. ARENDS TO RETURN THIS REQUEST FOR CHANGING THE CLASSIFICATION OF OX LAKE BACK TO THE PLANNING AND ZONING COMMISSION TO DEVELOP AN ENVIRONMENTAL ASSESSMENT WORKSHEET, TO OBTAIN A WRITTEN DNR OPINION ON THE LAKE, TO SUBMIT BACK THE FORMAL REQUESTED PLAT FOR THE DEVELOPMENT AND TO DEVELOP AN INTERIUM MORATORIUM ON PROPERTY ON AND AROUND THE LAKE AND WHEN THEY HAVE THOSE FOUR

PIECES OF INFORMATION, TO SCHEDULE A JOINT MEETING WITH MANHATTAN BEACH, FIFTY LAKES AND CROSSLAKE TO MAKE A DETERMINATION AND AT WHICH TIME IT WILL BE REFERRED BACK TO COUNCIL FOR ACTION. MOTION PASSED UNANIMOUSLY.

The next item on the agenda was Darrell Stenlund's appeal of denial of variance for the placement of his home 75 feet from the Pine River. Mr. Stenlund indicated that he had bought the property in question before the Shoreland Management Act was in place and he feels he should be granted a variance. Mr. Stenlund also stated that he had started building before obtaining a permit. It was the consensus of the Council who visited the site that Mr. Stenlund was locked into the site he chose, that he could not build 150 feet back from the river which is the required setback at this time. MOTION NO. 12R-13-92 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO APPROVE THE DARRELL STENLUND VARIANCE BECAUSE HE CANNOT MEET THE CURRENT SETBACK REQUIREMENTS AND TO DOUBLE THE PERMIT FEE FOR STARTING CONSTRUCTION BEFORE OBTAINING A PERMIT. MOTION PASSED UNANIMOUSLY.

The Roger Adair variance was discussed briefly. Mr. Adair stated that he was not aware that his house was built too close to the line (6 feet instead of the required 10 feet) until the foundation was in. MOTION NO. 12R-14-92 WAS MADE BY D. SWANSON AND SECONDED BY J. WEBSTER TO GRANT MR. ADAIR THE REQUESTED VARIANCE AND TO ASSESS HIM A PENALTY OF TWO TIMES THE PERMIT FEE FOR NOT GETTING A VARIANCE AT THE TIME OF CONSTRUCTION. MOTION PASSED WITH C. MILLER AND L. ARENDS VOTING NAY.

City Clerk Buchite had received written requests from both property owners who were told they needed to move their sheds. The letter from Mr. Kehler was read. Liaison Miller said he had receive a call from Mr. Kehler that because of the icy roads he would not be present. MOTION NO. 12R-15-92 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO ALLOW MR. KEHLER TO KEEP HIS SHED BUT TO ASSESS DOUBLE THE PERMIT FEE AS A PENALTY. MOTION PASSED UNANIMOUSLY.

Ms. Hastings read the letter from Mr. Farkas stating his appeal. It was the consensus of the Council that there was only one shed and both parties wanted to claim it was on their property. Mr. Farkas said the shed was a little more on his property than on Mr. Kehler's. Mr. Farkas said he had talked to Alden Smith about a permit for a garage and a shed. Mr. Smith told him he did not need a permit for a shed. A brief discussion followed. J. Webster made a motion to rescind the Motion No. 11R-09-92 which requested that both sheds be moved or penalties would be imposed. Mayor Anderson called for a second MOTION NO. 12R-16-92 WAS MADE BY D. SWANSON AND SECONDED BY C. MILLER TO ALLOW MR. FARKAS TO KEEP HIS SHED BUT TO ASSESS HIM DOUBLE THE PERMIT FEE AS A PENALTY. MOTION PASSED WITH J. WEBSTER VOTING NAY.

Administrator Hastings said the zoning map is complete but needs to be downsized. Will Hoyt from Landecker and Associates said they would work with Teri on getting the map printed. MOTION NO. 12R-17-92 WAS MADE BY D. SWANSON AND SECONDED BY L. ARENDS TO HAVE THE P & Z ADMINISTRATOR WORK WITH WILL HOYT TO DOWNGRADE THE SIZE OF THE ZONING MAP AND TO GET COPIES PRINTED. MOTION PASSED UNANIMOUSLY.

City Attorney Gammello left the meeting at 10:00 p.m.

PUBLIC SAFETY - Two bids were received for installing equipment and painting the 4X4 fire truck. One was from Bolten Welding for \$1,800.00 the other was from Rudy's for \$3,350.00. MOTION NO. 12R-18-92 WAS MADE L. ARENDS AND SECONDED BY D. SWANSON TO ACCEPT THE BID OF \$1,800 FROM BOLTON WELDING TO INSTALL EQUIPMENT AND PAINT THE 4X4 FIRE TRUCK ACCORDING TO THE SPECS PROVIDED BY THE FIRE DEPARTMENT. MOTION PASSED UNANIMOUSLY.

MOTION NO. 12R-19-92 WAS MADE BY D. SWANSON AND SECONDED BY L. ARENDS TO PURCHASE 2 HAND HELD RADIOS AT \$1,600 AND TO PUT OFF PURCHASING 5 PAGERS UNTIL NEXT YEAR AS REQUESTED BY CHIEF SCHLIEK. MOTION PASSED UNANIMOUSLY.

Council was informed that a Manhattan Beach resident is taking Crosslake to Conciliation Court claiming he was overcharged for a fire.

MOTION NO. 12R-20-92 WAS MADE BY D. SWANSON AND SECONDED BY C. MILLER TO ACCEPT THE JOB DESCRIPTION OF POLICE SERGEANT AS AMENDED BY ADDING: (1) HAVE WORKING KNOWLEDGE OF IBM OR COMPATIBLE COMPUTER; AND (2) HAVE WORKING KNOWLEDGE OF CONTINUING EDUCATION AS REQUIRED FOR CRIMINAL INVESTIGATIVE PROCEDURES. MOTION PASSED UNANIMOUSLY.

Mr. Swanson stated that he had been checking into software for the Police Department and has found that the Leads is the most widely used and accepted in the area. Mr. Webster checked the program out at the Sherrifs Dept. and found they are very satisfied with the program. Mr. Swanson stated that the City can save \$590 if they purchase the package before Dec. 31, 1992. MOTION NO. 12R-21-92 WAS MADE BY C. MILLER AND SECONDED BY D. SWANSON TO PURCHASE THE LEADS SOFTWARE PACKAGE BEFORE DECEMBER 31, 1992 FOR THE POLICE DEPARTMENT. MOTION PASSED UNANIMOUSLY.

UTILITIES - Nothing.

PUBLIC WORKS - Quotes were obtained on the tractor, garden tractor and trailer. MOTION NO. 12R-22-92 WAS MADE BY L. ARENDS AND SECONDED BY C. MILLER TO REJECT ALL BIDS AND WAIT UNTIL SPRING TO REBID THE TRACTOR, GARDEN TRACTOR AND TRAILER. MOTION PASSED WITH D. SWANSON VOTING NAY.

FUNDING AND FUTURE DEVELOPMENT - Nothing.

CEMETERY - Nothing.

PERSONNEL - Nothing.

PARK AND RECREATION - MOTION NO. 12R-23-92 WAS MADE BY L. ARENDS AND SECONDED BY C. MILLER TO HIRE JOE FLEMMER AND JASON HUESMAN AS WARMING HOUSE ATTENDANTS AT \$4.60 PER HOUR FOR THE 1992-93 SKATING SEASON. MOTION PASSED UNANIMOUSLY. Director Pat Felber stated that they would work approximately 36 hours a week.

It was the consensus of the Council that they would like to have a sign posted showing the hours the rinks are open and also a sign posted when the ice is not safe for skating.

The job description for warming house attendant was discussed briefly. It was the consensus of the Council that the attendant should sign the job description and a copy should be given to the City Clerk for employee records.

RECYCLING - Liaison Swanson stated that the girl scouts will be helping out with recycling.

NEW BUSINESS - Nothing.

OLD BUSINESS - Discussion ensued regarding the use of the old police car. Mr. Miller stated that he felt that the car should be used for trips rather than pay mileage. MOTION NO. 12R-24-92 WAS MADE BY C. MILLER AND SECONDED BY J. WEBSTER TO ADOPT A POLICY WHEREBY THE CITY VEHICLE SHOULD BE USED FOR TRAVEL WHENEVER POSSIBLE AND WHOM EVER TRAVELS THE GREATEST DISTANCE FROM THE CITY SHOULD TAKE THE CAR. MOTION PASSED WITH L. ARENDS AND K. ANDERSON VOTING NAY.

PUBLIC FORUM - Will Hoyt from Landecker and Associates, Inc. gave the Mayor a letter indicating their interest in being appointed as City Engineer.

Police Chief John Backdahl was present and said he has a Mo-ped, bicycles and other items that have been found and turned into the Police Department for longer than 60 days and they now have a request from a resident to purchase the Mo-ped. MOTION NO. 12R-25-92 WAS MADE BY L. ARENDS AND SECONDED BY C. MILLER TO ALLOW THE POLICE DEPARTMENT TO ADVERTISE FOR BIDS TO SELL THE MO-PED AND OTHER ITEMS THEY HAVE OBTAINED AND HAVE NOT BEEN CLAIMED. MOTION PASSED UNANIMOUSLY.

MOTION NO. 12R-26-92 WAS MADE BY C. MILLER AND SECONDED BY L. ARENDS TO ADJOURN THIS REGULAR COUNCIL MEETING AT 10.58 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:
Arlene A. Buchite, City Clerk/Treasurer

Arlene A. Buchite

RESOLUTION NO. 12R-11-92

RESOLUTION RELATING TO ZERO - INTEREST REA LOAN
IN THE AMOUNT OF \$100,000.00.

After a full and complete discussion, Councilperson
C. MILLER introduced the following resolution and
moved for its adoption:

WHEREAS, the City of Crosslake, Minnesota [the "City"] has
negotiated a zero - interest loan with the Rural Electrification
Administration ("REA") and;

WHEREAS, the terms and conditions of the Rural Development Loan
Agreement requires evidence that the City has provided or obtained
funds, or received commitments for supplemental financing in the
approximate amount of One Hundred Fifty Thousand and No/100
(\$150,000.00) Dollars that is needed, in addition to the loan
proceeds, to insure completion of the project; and

WHEREAS, the City has provided and committed its own funds in the
amount of One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars
that is needed, in addition to the loan proceeds, to insure completion
of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
CROSSLAKE, MINNESOTA, AS FOLLOWS:

1. The City hereby commits One Hundred Fifty Thousand and No/100
(\$150,000.00) Dollars of city funds that is needed, in addition to the
loan proceeds, to insure completion of the project;

2. It is the judgment of the City, and City hereby finds that the
capital improvement which is the subject matter of the project, has no
relationship to the comprehensive municipal plan insofar as the
project will be constructed on the present location of the similar
facility.

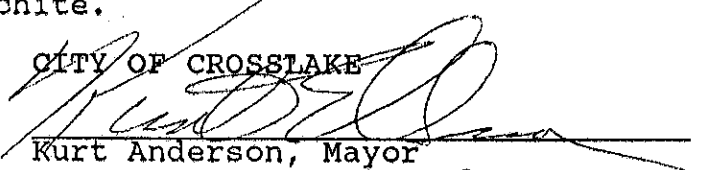
3. The Mayor and the City Clerk are authorized to execute the
Rural Development Loan Agreement, Promissory Note, and the assurances
required by 49 CFR, Section 24.4(a) and any and all other documents
reasonably required or necessary to consummate the loan agreement with
REA.

The motion for the adoption of the foregoing Resolution was duly
seconded by D. SWANSON, and upon vote being taken
thereon, the following voted in favor thereof:

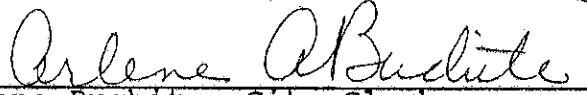
and the following voted against the same:

Whereupon the resolution was declared duly passed and adopted and was signed by the Mayor, Kurt Anderson, whose signature was attested by the Clerk, Arlene Buchite.

CITY OF CROSSLAKE


Kurt Anderson, Mayor

ATTESTED BY:


Arlene Buchite, City Clerk