

AGENDA
JOINT MEETING
SPECIAL CITY COUNCIL/PUBLIC WORKS COMMISSION
CITY OF CROSSLAKE

TUESDAY, SEPTEMBER 7, 2021

4:00 P.M. – CITY HALL

CITY COUNCIL

1. City Council Call to Order

PUBLIC WORKS

2. Public Works Commission Call to Order
3. Approve August 2, 2021 Meeting Minutes (Motion)
4. Memo dated September 2, 2021 from Phil Martin Re: Projects Update
5. Resolution Ordering Improvement and Preparation of Plans (Motion)
6. Limited Use Agreement Between City of Crosslake and Michael and Lisa Rocca at 12190 Manhattan Point Blvd and 12204 Manhattan Point Blvd (Motion)
7. Update from Ted Strand on Wastewater Treatment Plant Project
8. Other Business That May Arise
9. Public Works Commission Adjourn

CITY COUNCIL

10. City Council Adjourn

SPECIAL JOINT COUNCIL MEETING
WITH PUBLIC WORKS COMMISSION
CITY OF CROSSLAKE
MONDAY, AUGUST 2, 2021
4:00 P.M. – CITY HALL

The Council for the City of Crosslake met in a Special Joint Session with the Public Works Commission on August 2, 2021. The following Council Members were present: John Andrews, Dave Schrupp, and Marcia Seibert-Volz. Dave Nevin and Aaron Herzog were absent. The following Commission Members were present: Doug Vierzba, Tim Berg, Mic Tchida, and Tom Swenson. Gordie Wagner was absent. Also present were Public Works Director Ted Strand, City Clerk Char Nelson, City Administrator Mike Lyonais, Park Director TJ Graumann, and City Engineer Phil Martin. There were five people in the audience and on Zoom.

1. Acting Mayor Marcia Seibert-Volz called the Special Council Meeting to order at 4:00 P.M.
2. Public Works Commission Chair Doug Vierzba called the Public Works Commission Meeting to order at 4:00 P.M.
3. A MOTION WAS MADE BY MIC TCHIDA AND SECONDED BY TOM SWENSON TO APPROVE THE SPECIAL JOINT COUNCIL/PUBLIC WORKS COMMISSION MEETING MINUTES OF JULY 6, 2021. MOTION CARRIED WITH ALL AYES.
4. Phil Martin provided a brief update the CSAH 66 Sanitary Sewer Extension / Storm Water Quality Improvements, 2022 Road Improvements and RRFB Installations.

Staff met with private utility providers to identify and discuss potential conflicts and the tentative project timing for construction of the sewer extension. No delays are anticipated.

An Informational Open House was held on July 21, 2021 for the proposed road improvements. Approximately 25 people attended as well as staff, Council and Commission Members. Three written comment cards, a few comments on the INPUTID platform, and a few phone calls/emails regarding the project were received. Phil Martin gave a summary of the comments.

The crosswalk signals are being delivered tomorrow. Staff will need to coordinate with Bolton & Menk to ensure the engineering inspector is there during installation.

5. City Engineer Phil Martin stated that the City will hold an Improvement Hearing for the 2022 Road Projects on Wednesday, August 25, 2021 at 5:00 P.M. Soil borings have been completed and Mr. Martin reviewed each road and the existing conditions.

The soil borings on Wild Wind Ranch Drive showed indications of variable aggregate depth ranging from 0 – 3.5". There is evidence that fill material was placed near an adjacent wetland and there is significant variation in soil compaction. Mr. Martin stated that the appropriate plan for this road would be Full Depth Reclamation (FDR), as originally proposed. In addition, Bolton & Menk recommends that the subcut reconstruction method be

applied to both lanes for the entire project to create similar soils and provide a homogenous road base for construction. This will result in an increase in cost from original estimate, but also provide benefit to the longevity of the road. The estimated cost is \$205,000.

The soil borings on Rushmoor Boulevard and Rushmoor Trail showed pavement depth ranging from 2-3" and aggregate depth ranging from 4-6.5". Improvements include the reconstruction of the approach at CSAH 16, reconstruction of the intersection at Rushmoor Boulevard and Rushmoor Trail, and reconstruction of the sunken area near the end of Rushmoor Boulevard. Although this road could be a candidate for a bituminous overlay, the reconstruction segments impact a significant portion of the existing pavement, making the FDR method a better choice, as originally planned. The estimated cost is \$215,000.

The soil borings on Harbor Lane showed 4.5-6" of pavement with no aggregate base. The City has decided to delay construction until a dedicated right-of-way or easement is in place and issues such as stormwater, alignment, and pedestrian activity along the road segment are addressed.

Soil borings on Birch Narrows Road showed 3-5.5" of pavement with no aggregate base. As originally planned, an FDR is recommended. The estimated cost is \$286,100.

Soil borings on Whitefish Avenue showed 2" of pavement with 3" of aggregate base. There is conflicting information about the history of this road's construction. Mr. Martin has asked for City and County records. The original plan for Whitefish Avenue, Hilltop Drive, Woodland Drive, and Cool Haven Lane was for a bituminous overlay improvement. It does not appear that Cool Haven Lane has a dedicated right-of-way/easement and Bolton & Menk recommends improvement of this road be delayed. At the sharp curve on Whitefish Avenue, Bolton & Menk also recommends that the City obtain an easement to grade the slope back to create more visibility around the curve for traffic coming in both directions. Bolton & Menk recommends ponding areas be added along the south side where opportunities are identified to reduce erosive stormwater discharges to the adjoining water bodies. The records from the City and County will help determine the recommended improvement. If existing pavement has a 2" pavement thickness, it is recommended that distressed areas be cut out and patched and a bituminous overlay be placed. If the pavement thickness is found to be 3.5" or more in depth, it is recommended that the road be milled and overlaid. The estimated cost of the mill and overlay is \$465,700. If the Council were to move ahead with just a sealcoat, the cost would be approximately \$115,000 and the property owners would have no assessment.

MOTION WAS MADE BY TOM SWENSON AND SECONDED BY TIM BERG TO RECOMMEND THAT THE CITY COUNCIL ACCEPT THE REVISED FEASIBILITY REPORT FOR 2022 ROAD IMPROVEMENTS AND SET IMPROVEMENT HEARING FOR AUGUST 25, 2021 AT 5:00 P.M. IN CITY HALL. MOTION CARRIED WITH ALL AYES.

A brief discussion ensued regarding the recommendation for Whitefish Avenue. It was the consensus of the Commission to make a decision whether to sealcoat or overlay after the public hearing is held.

6. Phil Martin reviewed the update to the Feasibility Report for the CSAH 66 Sewer Extension. The last hearing was held December 2019. The changes made since then include charging an assessment to all commercial properties of \$0.35 per square foot and all residential parcels a flat assessment of \$7,000. The estimated amount of assessments to be collected is \$594,023.15. The estimated cost of the project is now \$2,356,080.

A lengthy discussion ensued regarding the assessment for commercial properties. Doug Vierzba noted that the Commission agreed to lower the assessment for high user businesses from \$0.50 to \$0.35 per square foot because they will pay a higher connection fee. Mr. Vierzba does not agree that the large commercial properties (Log Church, Simonsons, and Frasers) assessment should increase from \$0.20 to \$0.35 per square foot, an increase of 75% from what they were told 1.5 years ago. Phil Martin stated that he likes uniformity and that all should be treated the same. Mr. Martin stated that the church and Fraser's could appeal if they disagree with the amount. MOTION WAS MADE BY TIM BERG AND SECONDED BY MIC TCHIDA TO RECOMMEND THE CITY COUNCIL ACCEPT THE UPDATED FEASIBILITY REPORT FOR THE CSAH 66 SEWER EXTENSION AND SET A DATE FOR IMPROVEMENT HEARING. MOTION CARRIED WITH ALL AYES.

7. A memo dated July 29, 2021 from John Graupman regarding the Clarifier Project was included in the packet. Advertisement for bids will be published the week of August 9th and bids will be opened September 14th. MOTION WAS MADE BY MIC TCHIDA AND SECONDED BY TOM SWENSON TO RECOMMEND THAT THE CITY COUNCIL ACCEPT THE SCHEDULE FOR THE CLARIFIER PROJECT. MOTION CARRIED WITH ALL AYES.
8. Ted Strand reported that the effluent from the sewer plant is exceptional quality. Approximately 90,000 gallons daily are being treated on weekends and 70,000 gallons during the week. Biosolids are being hauled more frequently.

Cracksealing has started on the south end of town and will work their way north. The sealers are using a new product and Ted Strand stated that it looks good.

Staff is working on shouldering, mowing and trimming.

A brief discussion ensued regarding the staircase that was removed by Leo Varley at Hillcrest Beach and Tim Berg asked how he can be a part of deciding what happens. Ted Strand suggested he submit an application to be on the Right-of-Way/Vacation Committee.

9. There being no further business at 5:40 P.M., MOTION WAS MADE BY TIM BERG AND SECONDED BY MIC TCHIDA TO ADJOURN THE PUBLIC WORKS MEETING. MOTION CARRIED WITH ALL AYES.
10. MOTION 07SP1-01-21 WAS MADE BY JOHN ANDREWS AND SECONDED BY DAVE SCHRUPP TO ADJOURN THE SPECIAL CITY COUNCIL MEETING AT 5:40 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,

Charlene Nelson
City Clerk



**BOLTON
& MENK**

4.

Real People. Real Solutions.

MEMORANDUM

Date: September 2, 2021
To: Ted Strand, Public Works Director
From: Phil Martin, PE
Subject: Projects Update for September 7, 2021, Public Works Meeting

CSAH 66 Sanitary Sewer Extension / Storm Water Quality Improvements

An update of cost and proposed assessment was provided at the last joint meeting and accepted by the City Council at their regular Council meeting in August. The second improvement public hearing is set for September 22, 2021, at City Hall beginning at 6:00 pm.

2022 Road Improvements

The public improvement hearing was conducted on August 25, 2021, at City Hall (presented material attached). We had 29 people sign in for the meeting (attached). We also had two lists of signatures presented from parcels along Whitefish Avenue/Hilltop Drive/Woodland Drive segment that were opposed to either an improvement or being assessed for an improvement (attached). In total, the two lists accounted for 27 addresses along Whitefish Avenue/Hilltop Drive/Woodland Drive. The proposed number of assessments for this area is 151.

My short summary of the meeting is that most of the comments related to not wanting an assessment and that the general fund should pay for all road work. Not a lot of discussion about sealcoat vs bituminous overlay. People had questions about how many lots they were being assessed for which Char followed up with those people to provide them the information pertaining to their assessment from the feasibility study.

The assessment policy continues to be attacked. People felt the market value benefit was not fair and why did previous projects not pay an assessment. Some comparisons were made about big lot vs small lot, big lake home vs off lake home, etc... Some indicated a desire to return to a footage approach. Our opinion is that the market value benefit is fair and defensible.

All things considered our recommendation is to proceed with final design with the schedule to bid the improvements in January/February 2022.

RRFB Installations

City staff is prepared to move forward once a concrete contractor can be hired. The City accepted a bid for construction, but that contractor decided to withdraw their bid. Plans were re-submitted to known concrete contractors and bid was received to complete the concrete work. The City Council will be considering the bid at their September 3, 2021, special meeting.

2022 ROAD IMPROVEMENTS HEARING

City of Crosslake

Crosslake City Hall
August 25, 2021



Presentation

- ☐ Project Scope
- ☐ Improvements Proposed, Cost, and Timing
- ☐ Improvements Assessment
- ☐ Market Value Benefit
- ☐ Market Value Benefit Assessment
- ☐ Public Input



Project Scope

- ☐ Wild Wind Ranch Drive
- ☐ Rushmoor Boulevard & Trail
- ☐ Birch Narrows Road
- ☐ Whitefish Avenue
- ☐ Hilltop Drive
- ☐ Woodland Drive



Improvements Proposed

- ☐ Wild Wind Ranch Drive
 - ☐ Full Depth Reclamation with subcut section
- ☐ Rushmoor Boulevard/Trail
 - ☐ Full Depth Reclamation
 - ☐ Approach at CSAH 16 vertical/horizontal change
 - ☐ Boulevard/Trail intersection change
 - ☐ Drainage
- ☐ Birch Narrows Road
 - ☐ Full Depth Reclamation/Reconstruction
 - ☐ Drainage



Improvements Proposed

- ☐ Whitefish Avenue
 - ☐ Patch & Bituminous Overlay*
 - ☐ Drainage
 - ☐ Sharp Curve Traffic Visibility
- ☐ Hilltop Drive
 - ☐ Patch & Bituminous Overlay*
- ☐ Woodland Drive
 - ☐ Patch & Bituminous Overlay*

* Patch & Aggregate Chip Sealcoat (Maintenance Alternative)



Improvement Cost Information

- ☐ Estimated Total Project Cost
 - ☐ Wild Wind Ranch Drive \$205,000
 - ☐ Rushmoor Boulevard & Trail \$215,000
 - ☐ Birch Narrows Road \$286,100
 - ☐ Whitefish Avenue, Hilltop Drive, Woodland Drive \$456,700 (Bituminous Overlay)
 - ☐ Maintenance Alternative (Sealcoat) \$115,000



Improvement Timing

- ☐ Wild Wind Ranch considered in 2018
- ☐ Assessment Policy Adopted July 2019
- ☐ Feasibility Report Received December 2020
- ☐ First Improvement Hearing - February 2021
- ☐ Informational Open House – July 2021
- ☐ Second Improvement Hearing - August 2021
- ☐ Final Design – Complete by January 2022
- ☐ Bid and Award Contract – February/March 2022
- ☐ Construction – Summer 2022



Improvement Assessment

☐ Procedure: Mn Statute 429

→ ☐ Improvement Hearing

☐ Final Assessment Hearing (2022 or later)

☐ City Ordinance No. 358: Assessment to each parcel at a rate that does not exceed the “market value benefit”

☐ Considers appraisal opinion

☐ Assessment Payment

☐ After Final Assessment Adopted – in full (interest free if within 30 days) or over time as determined by Council



Market Value Benefit

- ☐ Opinion of market benefit range by Nagell Appraisal Incorporated
 - ☐ Wild Wind Ranch Drive – December 2019
 - ☐ All Others – December 2020
- ☐ Market Benefit Ranges Identified
 - ☐ Full Depth Reclamation Improvement segments (Wild Wind Ranch Drive, Rushmoor Blvd & Trail, Birch Narrows Road) - \$2,000 to \$10,000 per lot
 - ☐ \$4,000 assessment selected
 - ☐ Bituminous Overlay Improvement Segments (Whitefish Avenue, Hilltop Drive, Woodland Drive) - \$1,000 to \$3,000 per lot
 - ☐ \$1,000 assessment selected



Market Value Benefit Assessment

- ☐ City Selects Market Value Benefit
 - ☐ \$4,000 FDR / \$1,000 Overlay
- ☐ Apply Benefit to Adjacent Properties
- ☐ Preliminary Assessment
 - ☐ Wild Wind Ranch – Proposed assessment to 13 parcels
 - ☐ Rushmoor Blvd & Trail – Proposed assessment to 39 parcels
 - ☐ Birch Narrows Road – Proposed assessment to 37 parcels
 - ☐ Whitefish Avenue, Hilltop Drive, Woodland Drive – Proposed assessment to 151 parcel configurations



Public Input

Please state your name and address for the record before providing your input.

Thank you for attending.



16 signed in

PUBLIC HEARING
2022 ROAD PROJECTS
CITY OF CROSSLAKE
WEDNESDAY, AUGUST 25,
5:00 P.M. – CITY HALL

SIGN-IN SHEET

[illegible]

10 signed in

PUBLIC HEARING
2022 ROAD PROJECTS
CITY OF CROSSLAKE
WEDNESDAY, AUGUST 25, 2021
5:00 P.M. – CITY HALL

SIGN-IN SHEET

[illegible]

3 signed in

PUBLIC HEARING
2022 ROAD PROJECTS
 CITY OF CROSSLAKE
 WEDNESDAY, AUGUST 25, 2021
 5:00 P.M. – CITY HALL





SIGN-IN SHEET

[illegible]

16 parcels

July 4, 2021

As Property Owners on the Whitefish side of
MANHATTAN Point. We oppose the PROPOSAL
(PROJECT AREA #5) to be discussed on Wed. July 21,
at the City Hall. We believe the \$1000 Assessment
is Excessive. and other alternatives considered.
Such As Seal Coating the CURRENT Black top.

1. Daniel & Wigenma. 11393 + 11390 Whitefish Ave
2.  11373 Whitefish Ave
3. Greg Felling 11405 Whitefish Ave
4. Jan Hoffman 11417 Whitefish Ave
5. Shelly & Holmes 11435 Whitefish Ave.
6. Joe Rottger 11441 Whitefish Ave.
7. Mark & Kris Mockford 11305 Whitefish Ave.
8. Janice Strand 11281 Whitefish Ave.
9.  11325
10. Janice Steadland 11717 Whitefish Ave.
11. Keith Steadland 11717 Whitefish Ave
12. W & B 11657 Whitefish Ave
13. Anne O'Brien 11705 Whitefish Ave.
14. Don Berry  11424 " "
15. Susan Davis 11951 Whitefish Ave
16.  11951 Whitefish Ave
17. Cynthia Lebo 11338 Whitefish Ave
18. Steve Rie 11603 Whitefish Ave

Please
see 8-15-21
Whitefish
Ave.
Petition

Whitefish Ave Petition 11 parcels 8-15-21

As property owners on Whitefish Avenue, we are opposed to any assessment for road improvements on our street and others as outlined in your July 21, 2021 Information Open House letter to us.

We oppose assessing homeowners for street improvements rather than paying for them out of the general budget, which has been the tradition up to now. Roads are used by all our citizens and the cost for them should belong in the general city budget to be shared among all of us and not assessed to individual home owners. To our knowledge, our neighbors on Manhattan Point Boulevard Road and Anchor Point Road were not assessed for major and recent road improvements.

Susan Derus	11951 Whitefish Ave.	8-15-21
Patrick Lowson	11933 Whitefish Ave.	8-15-21
Mark Nott	11959 Whitefish Ave	8-24-21
Lee the	11959 WHITEFISH AVE	8-24-21
John E Derus	11954 Whitefish Ave.	8-24-21
GL Jackson	12165 Whitefish Ave	8-25-21
Soua Family Trust	11881 Whitefish Ave	8-25-21
IAN MARTIN	12289 Whitefish Ave	8-25-21
Rhonda Trees	12482 Whitefish	8-25-21
Carolyn Torrey	11797 Whitefish Ave	8-25-21
Mary Kay Williams	11230 Manhattan Blvd - 612 (loc removed Whitefish)	8-25-21
Jeffrey Hamm	11316 WHITEFISH AVE	8-25-21
Jan Laurel	11316 Whitefish Ave	8-25-21

RESOLUTION NO. 21-_____
CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a resolution of the city council adopted August 9, 2021, fixed a date for a council hearing on improving **Wild Wind Ranch Drive** from the intersection of CSAH 103 to the end of the city-maintained portion of the street, **Rushmoor Boulevard and Rushmoor Trail** from the intersection with CSAH 16 to the end of the city-maintained portion of each leg of the streets, **Birch Narrows Road** from the intersection with CSAH 3 to the end of the city-maintained portion of the street, and **Whitefish Avenue, Hilltop Drive, and Woodland Drive** from the entrance drive to Camp Knutson east to the intersection with Manhattan Point Boulevard, and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 25th day of August 2021, at which all persons desiring to be heard were given an opportunity to be heard thereon,

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted 9th day of August 2021.
3. The City Council has reviewed the proposed capital improvement plan and its findings as to compliance of the proposed improvements with the comprehensive municipal plan.
4. Bolton & Menk is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvements.
5. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax-exempt bonds

Adopted by the council this 13th day of September 2021.

David Nevin, Mayor

Charlene Nelson, City Clerk

LIMITED USE AGREEMENT

THIS AGREEMENT made and entered into as the ____ day of _____, 2021 by and between the City of Crosslake, a Minnesota municipal corporation ("City") and Michael D. Rocca and Lisa M. Rocca, husband and wife ("Owner").

WITNESSETH:

WHEREAS, Owner is the owner of the land legally described as follows:

Lot 1, Block 5 and Lot 15, Block 4, Manhattan Beach, a replat of Twin Beach

WHEREAS, Owner has a private driveway and other landscaping within the platted street of Arlington Beach as depicted on the Land Design Solutions Certificate of Survey attached hereto; and

WHEREAS, the City would like to address this issue of record to clarify the current rights of Owner and put any future owner on notice of these encroachments.

NOW, THEREFORE, it is stipulated and agreed by and between the parties hereto as follows:

1. **Improvements and Area.** Owner will be allowed a license to continue to keep his private improvements within the public access. No expansion of the current structures or any new structures may be placed within the public access.

2. **Maintenance.** Owner shall at all times keep and maintain the private improvements in a good state of repair and agrees to indemnify and save harmless the City, its officers, agents and employees from any claim for personal injury, property damage or death occasioned by the location or maintenance of the encroachments on the City property. Owner also waives and releases the City from any claims which Owner may have against the City for damage to the encroachments resulting from activities conducted by the City on the City property except for such gross negligence or willful acts of the City (which proximately cause damage to the improvements) for which the City would be (according to then applicable municipal or state laws) otherwise liable to similarly suited property owners. Nothing in his Agreement shall be construed as a waiver by the City of any immunity, defenses, or other limitations on liability to which the City is entitled by law, including but not limited to the minimum monetary amounts on liability established by Minnesota Statutes Chapter 466.

3. **Termination.** The City may terminate this Agreement upon 90 day notice if Owner fails to follow the provisions of this License as set forth in paragraph 1 above. Owner hereby releases and waives any claim, which they may have for damages resulting from the termination of this Agreement including the value or cost of any improvements on City property. The Owner also indemnifies and holds the City harmless from any third

party claims in the event of termination of this Agreement. Unless the Improvements are removed from the City Property during that period, the Improvements, which are located on City property, shall become the exclusive property of the City. The City may remove the Improvements and assess the cost in the form of a lien against the Owner's Property and may levy a special assessment in the manner provided by Minnesota Statutes Chapter 429. Owner acknowledges that the removal of the improvements from City Property shall constitute a benefit to the Owner's Property for the purposes of Minnesota Statutes Chapter 429. Owner hereby waives the right to object to the aforementioned special assessment pursuant to Minnesota Statutes Chapter 429.

4. **Successors and Assigns.** Subject to the termination provisions of this Agreement, this Agreement may be assigned to any successor or assignee of any or all of the Owner's or the City's interest in the Owner's Property or City Property, respectively.

5. **Recording.** Owner shall properly record this Agreement among the land records for the property described above and pay any staff costs to process this request.


IN TESTIMONY WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

CITY OF CROSSLAKE

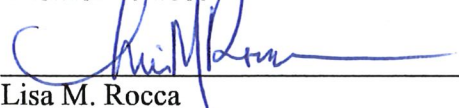
By _____
Its Mayor

By _____
Its City Clerk

OWNER




Michael D. Rocca



Lisa M. Rocca

State of Minnesota, County of Crow Wing

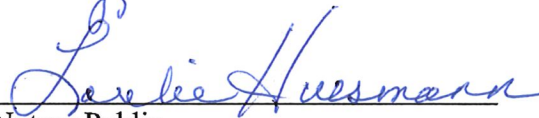
On this 9 day of August, 2021, before me, a Notary Public within and for said County and State, personally appeared David Nevin and Charlene Nelson, to me known to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same as Mayor and City Clerk on behalf of the City of Crosslake.


Notary Public

State of Minnesota, County of Crow Wing

This instrument was acknowledged before me on Aug 9th 2021, by Michael D. Rocca and Lisa M. Rocca, husband and wife

(Stamp)


Notary Public

