REGULAR COUNCIL MEETING  
CITY OF CROSSLAKE  
MONDAY, JUNE 12, 2006  
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, June 12, 2006. The following Council Members were present: Mayor Jay Andolshek, Dick Phillips, Terry Curtis, Dean Eggena and Dean Swanson. Also present were City Administrator Tom Swenson, Community Development Director Ken Anderson, Public Works Director Ted Strand, Park and Recreation Director Jon Henke, Police Chief Robert Hartman, Library Committee Chairman Alden Hardwick, General Manager Paul Hoge, Clerk/Treasurer Darlene Roach, City Attorney Paul Sandelin, City Engineer Dave Reese, Chamber of Commerce Representative Ruth Ann Hanson, Brainerd Dispatch Report Renee Richardson and Lake Country Echo Reporter Bryan Clapper. There were approximately eight 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 06R-01-06 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGLENA TO ACCEPT THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

B. CRITICAL ISSUES – None.

C. CONSENT CALENDAR – MOTION 06R-02-06 WAS MADE BY DEAN EGGLENA AND SECONDED BY TERRY CURTIS TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR CONSISTING OF: (1.) MINUTES OF SPECIAL COUNCIL MEETING OF MAY 1, 2006; (2.) MINUTES OF BOARD OF REVIEW MEETING OF MAY 4, 2006; (3.) MINUTES OF PUBLIC HEARING OF MAY 8, 2006; (4.) MINUTES OF REGULAR COUNCIL MEETING OF MAY 8, 2006; (5.) MINUTES OF RECONVENED BOARD OF REVIEW MEETING OF MAY 19, 2006; (6.) MINUTES OF SPECIAL COUNCIL MEETING OF MAY 30, 2006; (7.) MINUTES OF SPECIAL COUNCIL MEETING OF JUNE 5, 2006; (8.) CROSSLAKE COMMUNICATIONS BALANCE SHEET AND INVESTMENT / CASH SUMMARY DATED APRIL 30, 2006; (9.) CITY MONTH END REVENUE REPORT DATED MARCH 31, 2006; (10.) CITY MONTH END EXPENDITURE REPORT DATED MARCH 31, 2006; (11.) LAKES STATE BANK PLEDGE REPORT DATED MAY 2006; (12.) NORTHERN NATIONAL BANK PLEDGE REPORT DATED MAY 2006; (13.) LAKEWOOD BANK PLEDGE REPORT DATED MAY 2006; AND (14.) FIRST FEDERAL SAVINGS BANK PLEDGE REPORT DATED MAY 2006. MOTION CARRIED WITH ALL AYES.

D. PUBLIC FORUM – None.

E. MAYOR’S REPORT – None.
F. CITY ADMINISTRATOR REPORT

1. City Bills for Approval – MOTION 06R-03-06 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO APPROVE THE BILLS FOR PAYMENT FOR MAY AS SUBMITTED IN THE AMOUNTS OF $99,370.62 AND $6,123.38. MOTION CARRIED WITH ALL AYES.

2. MOTION 06R-04-06 WAS MADE BY DEAN EGGENA AND SECONDED BY JAY ANDOLSEK TO APPROVE RESOLUTION 06-25 ADOPTING FOR RENEWAL EXISTING LIQUOR LICENSE ESTABLISHMENTS FOR 2006-2007. MOTION CARRIED WITH ALL AYES.

3. Chamber of Commerce Representative Ruth Ann Hanson reported to the Council that the Culpepper and Merriweather Circus is coming to town on July 20, 2006 at Northwedge Greenhouse’s property on County Road 3 and County Road 103. This circus has performed in the Brainerd Lakes Area in previous years and received favorable reviews. Dean Swanson and Dean Eggena stated that the circus sounded great. Ms. Hanson added that the City will receive a copy of the Culpepper and Merriweather general liability insurance policy and that parking would be available on the private property.

Ruth Ann Hanson stated that the Chamber was willing to print and distribute flyers advertising the fireworks display on July 1st. Dean Eggena replied that it would be great for the Chamber to advertise. Terry Curtis noted that volunteers are lined up to bring the pyrotechnics back to shore after the display and to clean up the island on July 2nd.

4. Thank you from Pine River-Backus High School Grad Blast 2006 -- information only.

5. A request was submitted by the Crosslake-Ideal Lions to conduct charitable gambling in Crosslake. MOTION 06R-05-06 WAS MADE BY DICK PHILLIPS AND SECONDED BY JAY ANDOLSEK TO APPROVE RESOLUTION 06-26 APPROVING PREMISES PERMIT APPLICATION FOR CROSSLAKE-Ideal Lions Club to Conduct Charitable Gambling Within the City at Andy’s Liquor and Restaurant. MOTION CARRIED WITH ALL AYES.

6. A request was submitted by the Pequot Lakes American Legion #49 Auxiliary to conduct charitable gambling in Crosslake at Ox Lake Tavern. Sharon Higgins, representing the Legion Auxiliary, stated that this bar wanted an organization that would conduct bingo and bar raffles and that this legion donates money to the Pequot Lakes School District. It was noted that at least 50% of said profits must be spent for lawful purposes within the City of Crosslake or benefiting persons within the Crosslake community. Dean Swanson questioned if the school district is considered part of the Crosslake community. Dick Phillips and Dean Eggena stated that because Crosslake residents attend the Pequot Lakes Schools, they feel donations to the school would benefit the community. MOTION 06R-06-06 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO APPROVE RESOLUTION NO. 06-27 APPROVING PREMISES PERMIT APPLICATION FOR PEQUOT LAKES AMERICAN LEGION #49
AUXILIARY TO CONDUCT CHARITABLE GAMBLING WITHIN THE CITY OF CROSSLAKE AT OX LAKE TAVERN AND THAT THE CITY COUNCIL WILL REVIEW THE STATUS AFTER ONE YEAR. MOTION CARRIED 4-1 WITH ANDOLSEK OPPOSED. Tom Swenson noted that the Pequot Lakes American Legion #49 Auxiliary must only donate 50% of the profits made at Ox Lake Tavern to the Crosslake area, not all of their gambling proceeds.

7. A discussion ensued regarding a draft ordinance dealing with yard/garage sales. Dean Eggena stated that he would like to keep the ordinance simple and suggested that yard/garage sales be limited to 3 days per sale and 3 sales per year. Mr. Eggena discouraged the Council from trying to restrict new versus used items. Terry Curtis agreed that 3 sales per year sounded fair. Paul Sandelin suggested changing the sign ordinance relating to yard/garage sales to be consistent with the proposed ordinance limiting the number of yard/garage sales per year. Dean Eggena stated that yard/garage sale signs should only be displayed during the yard/garage sale. Dean Swanson questioned if the Council needed to address commercial sales versus yard/garage sales. Terry Curtis replied that it would be difficult to control the definition of new versus used merchandise, but that the proposed changes would restrict continuous sales. Dean Eggena added that it would be difficult for a person to purchase a truck load of merchandise and sell all of it within the 9 day limit. Paul Sandelin stated that an amendment to the Land Use ordinance requires a public hearing. Pat Netko, area business owner, stated that these changes should solve the problem. Dean Eggena suggested that Planning and Zoning conduct the public hearing.

G. COMMISSION/DEPARTMENT REPORTS –

1. LIBRARY — Minutes of the Library Committee Meeting of May 15, 2006, Fund Raising Committee Meeting of May 15, 2006 and Financial Report dated May 15, 2006 were included for Council information. Alden Hardwick gave the Council an update on the recent donations and pledges. The current fund drive has raised approximately $341,963 in donations and $80,582 in pledges, bringing the total to $422,545. MOTION 06R-07-06 WAS MADE BY TERRY CURTIS AND SECONDED BY DEAN SWANSON TO ACCEPT THE DONATIONS FROM CENTRAL LAKES ROTARY FOR $100 AND FROM REED’S MARKET FOR $1000. MOTION CARRIED WITH ALL AYES. Alden Hardwick reported that the Annual Library Luncheon was set for Tuesday, June 13th at the Whitefish Lodge and Suites and tickets would still be available at the door. Mr. Hardwick stated that the bids for the Library/Community Center construction project would be due on June 29th. The Library Committee is still looking for books to be donated for the library and for the book sale, which will take place August 10-12th.

2. PARK AND RECREATION –
   a. Crosslake Park Advisory Commission Meeting Minutes of April 24, 2006 were included in the packet for Council information.
b. Park and Recreation Director Jon Henke announced that approximately 10 contractors have obtained plans for the Library/Community Center project. Mr. Henke presented his Staff Report dated June 6, 2006. AAA is sponsoring a senior driving refresher class Thursday, June 15th from 1:00 P.M. to 5:00 P.M. The Community Center is offering the fifth aerobics session of 2006. The session runs Mondays, Tuesdays and Thursdays for four weeks. Cost for a membership to this class has been set at $42.00. The yoga class will take place on Wednesday mornings from 10:00 A.M. to 11:30 A.M. Tennis lessons will be offered starting July 10th. Three one-week sessions will be available for students at the Young Beginner, Beginner and Advanced Beginner levels. The fee per session is $20.00. Students may register for all three sessions for $50.00. The Youth Boat Safety Class, sponsored by C&C Boatworks, Zorbaz and the Crow Wing County Sheriff’s Department will once again be held at the Community Center June 14th and June 28th beginning at 9:00 A.M. Crosswoods Golf Course along with the Crosslake Park Department will once again be offering the Junior Golf and Pizza League. The first session is scheduled for June 12th. Participation fee for all 8 sessions is $100 and includes instruction, clubs, range balls, golf and lunch. MOTION 06R-08-06 WAS MADE BY DEAN EGGENA AND SECONDED BY JAY ANDOLSHEK TO ACCEPT A DONATION FROM THE AMERICAN LEGION FOR $500 TO BE USED TOWARDS THE FAMILY FUN DAY PROGRAM. MOTION CARRIED WITH ALL AYES. The senior tennis mixer is being held on Monday and Thursday afternoons from 4:00 P.M. to 7:00 P.M. this summer. There is a $10.00 participation fee for this program. Registrations are now available at the Community Center for this year’s Grandpa’s Run For The Walleye 5K Race. Proceeds support the effort to restore the Whitefish Area’s Walleye population. The 25th Annual Crosslake Dam Run will be held on Saturday, August 5th. The Community Center will be closed Sundays through Labor Day weekend.

c. The Parks and Recreation Department recommended the hiring of Elizabeth Schulte and Ben Nyberg as instructors for the summer tennis lesson program in a memo dated June 8, 2006. Jon Herke stated that Ms. Schulte will be the head instructor and Mr. Nyberg will be her assistant. Staff is recommending an hourly wage of $12.00 an hour for Ms. Schulte and $10.00 an hour for Mr. Nyberg. Both instructors have prior experience. After reviewing different hiring options including the hiring of the instructors as independent contractors, staff feels that it would be in the best interest of the City to hire the instructors as temporary employees of the City. This plan would eliminate any possibilities of liability or workman’s compensation concerns for the City. The League of Minnesota Cities assisted Park staff on this topic. Each employee will work approximately 50 hours and the program runs from July 10th to July 27th. MOTION 06R-09-06 WAS MADE BY DICK PHILLIPS AND SECONDED BY TERRY CURTIS TO APPROVE THE HIRING OF ELIZABETH SCHULTE AND BEN NYBERG AS TEMPORARY EMPLOYEES AT AN HOURLY RATE OF $12.00 AND $10.00 RESPECTIVELY TO TEACH TENNIS LESSONS FROM
APPROXIMATELY JULY 10TH TO JULY 27TH, 2006. MOTION CARRIED WITH ALL AYES.

3. PUBLIC SAFETY –
   a. Chief Hartman reported 218 calls in Crosslake in May.
   b. A total of 56 calls were reported in Mission Township in May.
   c. Chief Hartman reported that the National Incident Management System (NIMS) is a mandatory compliance requirement for emergency management, law enforcement, fire service, public works, health care, emergency medical services, public safety communications, public health and government administration. Randy Roach and Chip Lohmiller are NIMS instructors and will be training the required officials within the next month. Tom Swenson stated that if the City chooses not to participate in this system, disaster aid could be withheld from the federal government.
   d. **MOTION 06R-10-06 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO APPROVE RESOLUTION NO. 06-28 ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM.** Dean Eggena suggested that they try the plan for the required training now and if it becomes complicated, the City could back out of it at a later time because Crosslake may never qualify for federal disaster funds. **MOTION CARRIED WITH ALL AYES.**
   e. A discussion ensued regarding the No Parking signs located on Swann Drive. Now that both hotels have finished construction, it was the consensus of the Council to remove the covers from the No Parking signs and to begin enforcing the parking regulations.

   Dick Phillips requested that the Police Department provide a monthly report comparing previous years activity in the Council packets. Dean Eggena suggested that the Police chart could begin this month and go forward, instead of trying to create charts for the past months.
   f. The Fire Department responded to 18 calls in May.
   g. The North Ambulance May 2006 run report was included for Council information.
   h. In a letter dated May 9, 2006, North Memorial Ambulance requested permission from the City to place an antenna on the City Hall building and run a cable from the antenna to a small base station radio in the Crosslake ambulance quarters to improve radio reception for the crew. Terry Curtis questioned the height of the antenna. Ted Strand replied that the antenna would be no higher than the Fire Department’s antenna. **MOTION 06R-11-06 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO ALLOW NORTH MEMORIAL AMBULANCE TO PLACE AN ANTENNA ON THE CITY HALL BUILDING AND TO REQUIRE NORTH MEMORIAL AMBULANCE TO INCUR ALL COSTS ASSOCIATED WITH THE ANTENNA AND LABOR FOR INSTALLATION. MOTION CARRIED WITH ALL AYES.**
4. PUBLIC WORKS/CEMETERY/SEWER
   a. Ted Strand presented a memo regarding the patching of various roads, which
      the Council reviewed and tabled at the meeting on May 8, 2006. Dean
      Eggena looked at Dream Island Road and Dream Island Circle and stated that
      only a portion of the road is deteriorating. Mr. Eggena did not look at Milinda
      Shores Road. Terry Curtis asked what the recommendation was for Dream
      Island. Ted Strand replied that he suggests the road be ripped out and
      replaced because it does not drain well. Terry Curtis asked what was wrong
      on Milinda Shores Road. Ted Strand replied that the road is splitting and
      sinking. Terry Curtis questioned where the City draws the line on whether to
      patch the road or get engineering advice. Ted Strand replied that both
      contractors who bid on the job thought that patching would fix the problems.
      Dave Reese cautioned that because of the age of the roads and past muskrat
      problems, the roads could have voids underneath them and that it may be
      necessary to excavate in order to find the underlying problems. Dean
      Swanson stated that he would be hesitant to only patch the roads. A
      MOTION WAS MADE BY JAY ANDOLSHEK AND SECONDED BY
      DICK PHILLIPS TO APPROVE THE BITUMINOUS PATCHING ON
      DREAM ISLAND ROAD, DREAM ISLAND CIRCLE AND MILINDA
      SHORES ROAD BY SEAL-TECH SEALCOATING AT A COST NOT TO
      EXCEED $15,000. Dean Eggena suggested that all of Dream Island Road
      and Dream Island Circle be overlaid instead of patched and that more
      engineering research be done on Milinda Shores Road. Tom Swenson added
      that the City may get a better price to overlay Dream Island from Anderson
      Brothers while they are in town working on other projects. Terry Curtis
      suggested that the City get more information on what is underneath Milinda
      Shores Road before proceeding. Ted Strand replied that he will obtain more
      information for the Council and review the matter with the City Engineer.
      Dick Phillips withdrew his second to the motion and Jay Andolshek withdrew
      the motion.

   b. After reviewing a letter dated June 6, 2006 from WSN regarding 2004 street
      improvements, MOTION 06R-12-06 WAS MADE BY DEAN EGGENA
      AND SECONDED BY JAY ANDOLSHEK TO RELEASE THE
      RETAINAGE OF $3000 TO ANDERSON BROTHERS FOR THE
      COMPLETION OF TURF-RELATED ITEMS ON DAGGETT PINE ROAD.
      Dean Eggena added that the drainage issues on Daggett Pine Road seem to be
      resolved also. MOTION CARRIED WITH ALL AYES.

   c. A letter dated May 22, 2006 from City Attorney Sandelin listing the names of
      property owners for which sewer enforcement letters were mailed was
      included in the packet for Council information. Attorney Sandelin noted that
      all of the property owners have received the information and that his office
      has the certified returned receipts.

   d. Included in the packet for Council information was a list outlining the status
      of the property owners in Phase 1 who have not hooked up to the municipal
      sewer system. Some property owners have replied to the letter mailed by the
      attorney and others have not.
e. Staff requested Council direction for enforcement of unconnected properties to the municipal sewer system. Doug Moschogianis of 36963 County Road 66 appeared before the Council and requested an extension of 1 year for him to get his property connected to the City sewer. Mr. Moschogianis explained that he would like to put a basement under his property and would like to connect to the sewer properly, but before he can afford do any work, he needs to sell his home in Bloomington. Dean Swanson noted that Mr. Moschogianis has paid the connection fee and is paying $30.00 per month for usage. MOTION 06R-13-06 WAS MADE BY DEAN EGGENA AND SECONDED BY DEAN SWANSON TO ALLOW MR. MOSCHOGLIANIS UNTIL JUNE 1, 2007 TO HOOK UP HIS PROPERTY AT 36963 COUNTY ROAD 66 TO THE MUNICIPAL SEWER SYSTEM. Dick Phillips stated that he was sympathetic to the property owner, however, if the Council grants an extension to one property owner, they will need to be prepared to give extensions to the others as well. Dean Eggena stated that there were over 240 hook ups at the beginning of the project and that only a dozen have not complied, which is under 5%. Mr. Eggena added that he would like to hear from the other property owners as to what their situation is and would be in favor of granting extensions for them if necessary. Mr. Eggena also stated that if the property owners do not contact the Council, then legal action should be taken. MOTION CARRIED WITH ALL AYES.

Terry Curtis questioned what some of the properties were on the list. Tom Swenson replied that the properties on the list that have not given the City a reply all have structures, wells and septic systems. Dick Phillips stated that there were four properties that have not replied to the City and that legal action should continue on those. Paul Sandelin replied that the City could press charges against them or work with a prosecuting attorney. Dean Eggena asked if the City could hook the properties up and charge the expenses to the property taxes. Paul Sandelin replied that that would be a possibility but encouraged that Council to obtain a court order before doing so. MOTION 06R-14-06 WAS MADE BY DICK PHILLIPS AND SECONDED BY TERRY CURTIS TO DIRECT THE CITY ATTORNEY TO SEND LETTERS TO THE FOUR PROPERTY OWNERS WHO HAVE NOT REPLIED TO PREVIOUS MAILINGS FROM THE CITY REGARDING HOOK UP TO THE MUNICIPAL SEWER SYSTEM, GIVING THEM UNTIL JULY 6, 2006 TO RESPOND OR THAT THE CITY WILL DO THE WORK AND CHARGE THE EXPENSE TO THE OWNERS PROPERTY TAX AS ALLOWED BY STATE STATUTE. MOTION CARRIED WITH ALL AYES. Tom Swenson stated that Staff will contact the remaining property owners who are in the process of hooking up and will update the Council at the next regular meeting.

f. The May 2006 Wastewater Treatment Discharge Monitoring Report was included for Council information. Dean Eggena stated that the Sewer Department is doing a good job.
Terry Curtis asked if there has been any progress regarding the parking on County Road 66. Ted Strand replied that he and Chief Hartman had not yet met to discuss the situation. Mr. Curtis stated that once the City has an idea of how the parking should be, they can take it to the County for action. Dean Swanson stated that Crosby has painted crosswalks and it seems to be working well.

5. PLANNING AND ZONING –
   a. The permit summary report for May 2006 was included for Council information.
   b. Included in the packet was a letter dated May 10, 2006 from Crow Wing Soil and Water Conservation District requesting that Councilmembers and Staff complete and submit a short survey by June 15, 2006. The completed surveys will help update the Crow Wing County Comprehensive Local Water Management Plan, which is due by October 2007. The purpose of the plan is to identify existing and potential problems and opportunities for the protection, management and development of water and related land resources. It also develops objectives and carries out a plan of action to promote sound hydrologic management of water and related land resources, effective environmental protection and efficient management.
   c. A notice of public hearing from Crow Wing County Planning and Zoning was included in the packet for information. Roger and Nancy Schwieters of Boyd Lodge have requested that their property be rezoned from Rural Residential to Waterfront Commercial. Ken Anderson stated that he did not know the purpose for the proposed change and that the public was welcome to attend the public hearing.
   d. Ken Anderson read a letter dated June 2, 2006 from the MPCA regarding the Crosslake Construction Demolition Debris Facility, Inc. The letter stated that the MPCA has approved the Findings of Fact, Conclusions of Law, and Order, as amended, for a Negative Declaration on the need for an Environmental Impact Statement and concluded that this project does not have the potential for significant environmental effects. The Draft Facility Permit was amended to require the installation of two additional monitoring wells, to address some concerns raised about ground water.
   d.1. Included for information was the SW-412 Facility Permit issued by the MPCA to Crosslake Construction Demolition Debris Disposal Facility.
   e. A memo dated June 12, 2006 from Jim Perry regarding Zoning Map Amendment 2006-004 for the Herje property was included in the packet for Council review. **MOTION 06R-15-06 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO APPROVE ORDINANCE AMENDMENT NO. 232 CHANGING THE CURRENT ZONING CLASSIFICATION OF THE NORTHWEST PORTION OF TRACT B FROM R-1, LOW DENSITY RESIDENTIAL TO R-3, MEDIUM DENSITY RESIDENTIAL AND CHANGING THE ZONING OF THE SOUTHEAST PORTION OF TRACT C FROM R-3, MEDIUM DENSITY RESIDENTIAL**
TO R-1, LOW DENSITY RESIDENTIAL. MOTION CARRIED WITH ALL AYES.

MOTION 06R-16-06 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO PUBLISH ORDINANCE NO. 232 IN SUMMARY FORM. MOTION CARRIED WITH ALL AYES.

f. A memo dated June 5, 2006 from Bryan Hargrave regarding Zoning Map Amendment 2006-005 for the Peterson property was included in the packet for Council review. The proposed amendment would create an access to the property. Dean Swanson asked if there was only one access to the property. Ken Anderson replied that there was only one access and that the Zoning Map Amendment would make it possible to have signage at the end of the driveway on County Road 103. Dean Eggena noted that the original parcel was split into two parcels as part of a divorce settlement. Terry Curtis noted that the original parcel had two different zonings. Ken Anderson noted that when the property was one parcel, there was an access. MOTION 06R-17-06 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO APPROVE ORDINANCE AMENDMENT NO. 233 CHANGING THE ZONING OF THE PROPERTY FROM RR, RURAL RESIDENTIAL TO LC, LIMITED COMMERCIAL DUE TO THE FACT THAT THIS PARCEL IS THE INGRESS/EGRESS FOR THE PROPOSED COMMERCIAL DEVELOPMENT ON PARCEL B THAT IS ZONED LIMITED COMMERCIAL. MOTION CARRIED WITH ALL AYES.

MOTION 06R-18-06 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO PUBLISH ORDINANCE NO. 233 IN SUMMARY FORM. MOTION CARRIED WITH ALL AYES.

g. A memo dated June 12, 2006 from Jim Perry regarding Subdivision 2006-008, Knutson’s Corner Final Plat was included in the packet for Council review. This plat created 5 residential lots. Ken Anderson stated that requirements of the plat include dedicating easements for drainage and utility purposes and for a public use trail. Mr. Anderson recommended approval contingent on receiving a Plat Check from the City Surveyor stating that all State Platting Requirements are met. Dean Eggena stated that he did not think it was necessary to obtain additional land for utility and trail easements because the plat is created on existing roads. Mr. Eggena stated that these type of easements should only be required in a new development when new roads are made. Terry Curtis questioned how Staff has been applying the requirement. Ken Anderson replied that the City takes the land when they can. Dean Eggena stated that the requirement has not yet been implemented on a development. Ken Anderson retorted that the easements were a requirement of the Eagle Pass development. Terry Curtis stated that he would rather the City take the approach of obtaining land when it is needed, rather than taking it when they can get it. Mr. Curtis suggested that the Council look at each proposed subdivision and decide what would be best at that time. Dean Swanson stated that a public use trail easement was not needed in this
development. Dean Eggena added that there is approximately 52 miles of existing road in Crosslake and there would be no benefit to the City to obtain 10-foot pieces of easement here and there. Mr. Eggena stated that he does not agree with taking land from the private person and giving it to the public. Dick Phillips stated that he recalls the past conversations surrounding the easement issues to relate only to new developments on new roads and suggested that this matter be tabled until Staff could determine how the requirement is worded. Ken Anderson replied that the requirement was not in ordinance form and that only the utility easement could be enforced.

Dean Eggena also questioned the condition of requiring the wells on Lots 1, 2, and 3 to be placed in the front half of the lot to ensure that the required 50-foot setback between the well and septic system would be met. Mr. Eggena noted that the Old Log Landing development consisting of 20,000 square foot lots had no problem with neighbor’s wells and septic systems being too close to each other and that it was not fair to mandate where the wells went. Ken Anderson replied that the Planning and Zoning Commission made this requirement during the preliminary platting process. Dean Eggena stated that it should be on a first come, first serve basis and that the first person to build on one of the lots should determine where the well and septic would go and the following buildings would need to place their well and septic accordingly. In order to avoid any delay of the plat approval, MOTION 06R-19-06 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO APPROVE SUBDIVISION 2006-008, KNUTSON’S CORNER FINAL PLAT, EXCLUDING THE REQUIREMENT OF A SEPARATE DOCUMENT CONVEYING TO THE CITY A TEN (10) FOOT EASEMENT FOR “PUBLIC USE TRAIL” PURPOSES ALONG THE PUBLIC RIGHT-OF-WAY. MOTION CARRIED 4-1 WITH PHILLIPS OPPOSED. Dean Eggena requested that Ken Anderson bring the motion relating to easements in new developments to the next Council meeting for review.

h. A memo dated June 12, 2006 from Jim Perry regarding Subdivision 2006-009, Loveland’s Final Plat was included in the packet for Council review. This plat created 6 residential lots, plus 3 outlots. MOTION 06R-20-06 WAS MADE BY TERRY CURTIS AND SECONDED BY DEAN SWANSON TO APPROVE SUBDIVISION 2006-009, LOVELAND’S FINAL PLAT AS PRESENTED. MOTION CARRIED WITH ALL AYES.

i. A staff report dated June 12, 2006 from Ken Anderson requested that the Council interpret whether or not the upper level of a garage located at 34131 Happy Landing Road could be defined as Guest Quarters and that the Council provide general staff direction as to what constitutes “Guest Quarters.” There is currently pending litigation between at least two parties regarding how this property was marketed for sale. The current owner requested that the Council allow them to call the upper level of the garage a guest quarters or studio, as this would constitute a significant economic value to the property. Dean Eggena stated that the City issues zoning permits because the State restricts them from issuing building permits. Mr. Eggena stated that applicants can tell
the staff that the permit is for one type of building, and that the staff doesn’t really know if that is what the building will be used for, therefore, the ordinance should not restrict the use of a building and that people should be able to sleep in whatever type of building they want. Terry Curtis questioned the original intention of the ordinance. Dean Eggena replied that the ordinance was created when the Shoreland Act tried to restrict how many people could use the public waters. Dick Phillips stated that he believes the intent of the ordinance was to keep activity and noise down in neighborhoods. Terry Curtis questioned how this request came before the Council. Helen McGrath, current owner of the property, stated that when having the septic pumped, it was determined that the septic system was too close to the house and then the issue of the guest quarters developed. Ms. McGrath noted that the seller of the property was also the builder of the house and garage. Terry Curtis asked what action the Council could take this evening. Helen McGrath requested permission to advertise the garage as having guest quarters when they sell the property in the near future. Dean Eggena stated that the Council could only state that the property was misrepresented by the seller. Jay Andolshek urged the Council to move forward.

j. A memo dated June 12, 2006 from Ken Anderson regarding a request to change Pine River classification from Forested River was included in the packet for Council review. Applicants Michael Huber and Bambi Tobin have three Lots 3, 4, and 5 in the Gendreau’s Lots Plat and would like to sell Lot 3 and a portion of Lot 4. The Zoning Ordinance requires a minimum setback of 150 feet from the river and 80,000 square feet minimum lot size. Due to these requirements, the property owners would not be allowed to sell a portion of the property for construction of another home/cabin. Dean Eggena recollected that the DNR was against reclassification when the City approached them earlier. Terry Curtis noted that there are two types of zoning on the river – Tributary Platting and Forested River and that the Council discussed changing the classification from Forested River on a portion of the northern end of the river. Dean Eggena noted that only the DNR could change the classification. Terry Curtis stated that the northern end is in an urban area and the Council could request the DNR to change the classification on that portion, which would include the subject parcels. Tom Swenson noted that these parcels are within Phase 1 of the Sewer District and would be able to hook up to City sewer. **MOTION 06R-21-06 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY DEAN EGGENA TO WRITE TO THE DNR AND ASK THEM THEIR OPINION OF RECLASSIFYING A PORTION OF THE PINE RIVER WITHOUT FORMALLY ASKING THEM TO RECLASSIFY THE RIVER. MOTION CARRIED WITH ALL AYES.** Ken Anderson will draft the letter.

k. After reviewing a staff report dated May 10, 2006 from Ken Anderson regarding the resignation of an alternate member of the Planning and Zoning Commission, **MOTION 06R-22-06 WAS MADE BY DEAN SWANSON AND SECONDED BY TERRY CURTIS TO ACCEPT THE RESIGNATION OF GEORGE RICHES AS AN ALTERNATE MEMBER**
OF THE PLANNING AND ZONING COMMISSION WITH GRATEFUL ACKNOWLEDGEMENT AND APPRECIATION FOR HIS MANY YEARS OF SERVICE TO THE CITY OF CROSSLAKE. MOTION CARRIED WITH ALL AYES.

6. CROSSLAKE COMMUNICATIONS –
   a. Paul Hoge presented the Highlights Report for May. The IBEW Union will be voting on a proposed contract June 15th. Crosslake Communications has reviewed its Cable TV programming costs and determined that a Cable TV rate increase is necessary. The Advisory Board recommended that the Basic Cable increase $1.00 per month, Expanded Basic increase $2.50 per month, Digital Cable increase $1.50 and Digital Plus have no increase. Dean Swanson stated that he is concerned with the increase to the Basic Cable because the people that have that service probably don’t care about watching TV or can’t afford more, therefore, they may cancel their service if prices rise. Dean Eggena stated that there are various reasons for people having Basic Cable, for instance, he has Satellite and only orders Basic Cable so that he can receive local news. MOTION 06R-23-06 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY DEAN SWANSON TO INCREASE THE EXPANDED BASIC AND DIGITAL CABLE TV RATES AS PRESENTED EFFECTIVE AUGUST 1, 2006, NOTING NO CHANGE IN THE RATE TO DIGITAL PLUS AND A $0.50 INCREASE TO BASIC CABLE. MOTION CARRIED WITH ALL AYES. Paul Hoge announced that no bids on the boring machine were received and that Trenchers Plus offered to sell the machine on consignment. Tom Swenson suggested placing a minimum price on the machine. Dean Eggena stated that the City should determine what the machine is worth before selling it on consignment. Terry Curtis suggested having the consignment company give the City an appraisal of the machine in writing. Paul Hoge stated that he would have that information at the next Council meeting. A pre-construction meeting with Mlaskoch Excavating will take place on June 22nd at 9:00 A.M.

b. Crosslake Communications Advisory Board Regular Meeting Minutes of April 28, 2006 – information only.

c. Crosslake Communications Advisory Board Regular Meeting Draft Minutes of May 30, 2006 – information only.

d. Crosslake Cablevision Digital TV Report – information only.

e. Crosslake Communication’s Bills for Approval – MOTION 06R-24-06 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF $236,332.06. MOTION CARRIED WITH ALL AYES.

Dick Phillips asked for an update on the RUS Loan. Paul Hoge had talked to Mark Walthers from RUS. Mr. Walthers informed Mr. Hoge that the legal department and the Deputy Administrator from RUS had reviewed the application, but still does not have an answer on when the money can be expected. Paul Hoge spoke with Monte Eastvold regarding a $4 million
revenue bond and Mr. Eastvold indicated that it would take approximately 30
days for the loan to come through. Mr. Hoge would like to wait to hear from
RUS first. However, Mr. Hoge cautioned that the fiber supplies have been
ordered and that payment will be due 30 days after the supplies are delivered.
A decision will need to be made quickly at that point.

7. RECYCLING – April and May 2006 Recycling Reports were included in the
packet for information.

8. PERSONNEL COMMITTEE – After reviewing a memo dated June 6, 2006 from
the Personnel Committee regarding a wage adjustment for the Operations
Manager, MOTION 06R-25-06 WAS MADE BY JAY ANDOLSHEK AND
SECONDED BY DICK PHILLIPS TO INCREASE THE OPERATION
MANAGER’S SALARY BY $500 TO $67,000 FOR 2006, BASED UPON A
MID-YEAR REVIEW AND RECOMMENDATION BY THE GENERAL
MANAGER. MOTION CARRIED WITH ALL AYES.

9. ECONOMIC DEVELOPMENT AUTHORITY – None.

H. OLD BUSINESS – Dick Phillips asked if the City had taken over Pioneer Drive yet.
Paul Sandelin replied that Bill Reed had the deed and needed to sign it. Dean
Swanson asked when Bill Reed received the deed. Paul Sandelin replied that he
mailed the deed to Bill Reed around Memorial Day. Tom Swenson asked if there was
only one deed for the road. Paul Sandelin replied that there were several deeds for
Bill Reed to sign, but only one was for the road. Dick Phillips asked if the City can
do anything about the no parking signs that Ace Hardware has put up on the road.
Tom Swenson replied that the Council accepted Pioneer Drive contingent on
receiving the signed deed and therefore, the City cannot ask Ace Hardware to remove
the signs yet. Paul Sandelin replied that he would contact Bill Reed to get a status of
the deed.

I. NEW BUSINESS – Mayor Andolshek presented a request from Council Member
Terry Curtis asking to be appointed as Crosslake’s representative to a newly formed
Regional Planning Committee. The Committee includes representatives from
BLADC, the Brainerd Lakes Areas Chamber of Commerce and community leaders
from the surrounding area. Terry Curtis explained that all of the Councilmembers
were invited to attend the Regional Meeting and the purpose was to form a
Committee to discuss regional planning projects. MOTION 06R-26-06 WAS MADE
BY DEAN EGGENA AND SECONDED BY JAY ANDOLSHEK TO APPOINT
TERRY CURTIS AS CROSSLAKE’S REGIONAL PLANNING COMMITTEE
REPRESENTATIVE. MOTION CARRIED WITH ALL AYES. The Council chose
to table a Resolution in Support of Regional Planning until the next Regular Council
Meeting.

J. PUBLIC FORUM – None.
K. ADJOURN – MOTION 06R-27-06 WAS MADE BY DICK PHILLIPS AND SECONDED BY TERRY CURTIS TO ADJOURN THIS REGULAR MEETING AT 10:40 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,

[Signature]
Charlene Nelson
Deputy Clerk

Deputy Clerk / Minutes/6-12-06
# BILLS FOR APPROVAL

**12-Jun-06**

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</table>

**TOTAL**  
6123.38
RESOLUTION 06-25
TO ADOPT FOR RENEWAL EXISTING LIQUOR LICENSE
ESTABLISHMENTS FOR 2006-2007

WHEREAS, the City of Crosslake does hereby resolve to adopt the Liquor License
Renewals of establishments licensed in 2006-2007 for the licensing year 2006-2007:

ON-SALE (INTOXICATING) $1500.00
The Cedar Chest
Zorbaz of Cross Lake
Riverside Inn
Andy’s Restaurant/Liquors
Ye Olde Wharf
Moonlite Bay
The Log Jam Bar and Grill
Maucieri’s

OFF-SALE (INTOXICATING) $100.00
Channel Liquors, Inc.
Barstock Liquors, Inc.
Riverside Inn
Andy’s Restaurant/Liquors
The Log Jam Bar and Grill

SUNDAY (INTOXICATING) $200.00
Zorbaz of Crosslake
The Cedar Chest
Riverside Inn
Andy’s Restaurant/Liquors
Ye Olde Wharf
Moonlite Bay
The Log Jam Bar and Grill
Maucieri’s

WINE LICENSE - $100.00
Ox Lake Tavern

SET-UP LICENSE - $50.00
Ox Lake Tavern

CONSUMPTION & DISPLAY
Ox Lake Tavern

CLUB
American Legion On-Sale $300.00
American Legion Sunday $200.00

ON-SALE (NON-INTOX.) $75.00
Ox Lake Tavern
Crosswoods Golf Course, Inc.
Rafferty’s

OFF-SALE (NON-INTOX.) $25.00
Reed’s Country Market
Ox Lake Tavern
Bait Box Marina, Inc.
Mermaid Enterprises/Holiday Station

BE IT RESOLVED, that the City Council for the City of Crosslake, Minnesota go on
record as renewing the above establishments for liquor/wine/beer licensing for the period
of July 1, 2006 – June 30, 2007, at a Regular Council Meeting on the 12th day of June,
2006, after all licensing requirements are met both under local Ordinance and under MN
State Statutes Chapter 340A, and approval is granted by the Minnesota Department of
Public Safety Alcohol and Gambling Enforcement Division.

COUNCIL IN FAVOR – 5

Thomas N. Swenson
City Administrator

COUNCIL AGAINST - 0

Jay Andolshek
Mayor
RESOLUTION NO. 06-26
CITY OF CROS LAKE
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION APPROVING PREMISES PERMIT APPLICATION
FOR
CROS LAKE-IDEAL LIONS CLUB

On June 12, 2006, the Crosslake City Council approved the Crosslake-Ideal Lions Club request to conduct charitable gambling (pull-tabs) at Andy’s Liquor & Restaurant. The Crosslake-Ideal Lions Club operates under License Number 01487.

Adopted by the Council this 12th day of June 2006.

Jay Andolshek
Mayor

Thomas N. Swenson
City Administrator
RESOLUTION NO. 06-27
CITY OF CROSSLAKE
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION APPROVING PREMISES PERMIT APPLICATION
FOR
PEQUOT LAKES AMERICAN LEGION #49 AUXILIARY

On June 12, 2006, the Crosslake City Council approved the Pequot Lakes American Legion #49 Auxiliary request to conduct charitable gambling (including pull-tabs, tipboards and bingo) at Ox Lake Tavern (NSPOX, Inc.). The Auxiliary operates under License Number 02957.

Adopted by the Council this 12th day of June 2006.

Jay Andolshek
Mayor

Thomas N. Swenson
City Administrator
CITY OF CROSSLAKE

RESOLUTION NO. 06-28

ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM

WHEREAS, Emergency Response to critical incidents, whether natural or manmade, requires integrated professional management, and

WHEREAS, Unified Command of such incidents is recognized as the management model to maximize the public safety response, and

WHEREAS, The National Incident Management System, herein referred to as NIMS, has been identified by the Federal Government as being the requisite emergency management system for all political subdivisions, and

WHEREAS, Failure to adopt NIMS as the requisite emergency management system may preclude reimbursement to the political subdivision for costs expended during and after a declared emergency or disaster and for training and preparation for such disasters or emergencies.

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

1. It shall be the public policy of the City of Crosslake, Minnesota to adopt the NIMS concept of emergency planning and unified command.

2. It shall further be the policy of the City of Crosslake, Minnesota to train public officials responsible for emergency management.

Adopted by the City Council this 12th day of June, 2006.

Jay Andalshek, Mayor

Thomas N. Swenson, City Administrator
Crosslake Communications
Check Register - General Account & Construction Account
From April 1, 2006 through April 30, 2006

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910.00
91.00
30.00
161.00
505.00
87.00
2,807.00
196.00
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3,520.00
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3,861.00
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247.00
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653.00
22.00
22.00
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30.00
3.30
23.20
72.30
33.20
154.20
41.50
10.90
23.30

653.00
838.00
28.30
23.10
32.00
23.80
32.00
83.80
34.40
32.80
18.00
7.40
26.72
339.20
38.40
13.31
43.16
33.57
29.16
19.92
11.72
13.18
9.98
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76.16
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9.36
70.00
355.00

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283,332.00