

REGULAR COUNCIL MEETING  
CITY OF CROSSLAKE  
MONDAY, OCTOBER 10, 2011  
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Monday, October 10, 2011. The following Council Members were present: Mayor Darrell Schneider, Rusty Taubert, John Moengen, Steve Roe and Dean Swanson. Also present were City Administrator Tom Swenson, Clerk/Treasurer Jenny Max, Community Development Director Ken Anderson, Police Chief Bob Hartman, Public Works Director Ted Strand, Park and Recreation Director Jon Henke, General Manager Paul Hoge, City Attorney Mike Couri, City Engineer Dave Reese, Northland Press Reporter Paul Boblett and Echo Publishing Reporter Katie Anderson. There were approximately eleven people in the audience.

**A. CALL TO ORDER** – Mayor Schneider called the Regular Council Meeting to order at 7:00 P.M. MOTION 10R-01-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO ACCEPT THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.

**B. CRITICAL ISSUES** – None.

**C. CONSENT CALENDAR** – MOTION 10R-02-11 WAS MADE BY STEVE ROE AND SECONDED BY JOHN MOENGEN TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR: (2.) SPECIAL COUNCIL MEETING MINUTES OF SEPTEMBER 30, 2011; (3.) CITY MONTH END REVENUE REPORT DATED AUGUST 2011; (4.) CITY MONTH END EXPENDITURE REPORT DATED AUGUST 2011; (5.) PLEDGED COLLATERAL REPORT DATED 10/6/11 FROM JENNIFER MAX; (6.) LAKES STATE BANK PLEDGE REPORT DATED SEPTEMBER 2011; (7.) FRANSDSEN BANK & TRUST PLEDGE REPORT DATED SEPTEMBER 2011; (8.) BLACKRIDGE BANK PLEDGE REPORT DATED SEPTEMBER 2011; AND (9.) RIVERWOOD BANK PLEDGE REPORT DATED SEPTEMBER 2011. MOTION CARRIED WITH ALL AYES.

Mayor Schneider stated he received a request to discuss the Regular Council Meeting Minutes from September 12, 2011. Mark Wessels of 13336 East Shore Road questioned section G.2.f. of the minutes which discussed the Moen Beach Trail issue. Mr. Wessels noted that he did not agree with placing the City Attorney's comment after Councilmember Roe's motion as he felt it negated the intent of the Council's motion. Attorney Couri noted that the intent of the comment was to distinguish that even though this Council may wish to close the issue that it does not preclude a future Council from re-looking at the issue of the non-conformities since the property did not obtain a variance for the improvements made. Mr. Couri noted his comment was from a legal perspective. The Council held a lengthy discussion regarding the fact that there was no clear timeline established as to when the property improvements were made and therefore cannot determine which ordinance standards they are required to adhere to. Attorney Couri noted the law is the way it is regardless of what is stated in the minutes. One option for the Council is that the property owners could come into City Hall and look at the records to establish a timeline and

determine if a variance is required or not. Mr. Wessels expressed his opinion that he feels the statement should be stricken from the minutes. City Administrator Swenson noted he feels the statement should remain in the minutes so there is no confusion by any future property owner that without the legal standing of a variance it's possible for a future Council to look at the issue again. Councilmember Roe said that he would like to see only a future Council have the ability to re-open the issue, to which Attorney Couri agreed. Following discussion, MOTION 10R-03-11 WAS MADE BY RUSTY TAUBERT AND SECONDED BY DEAN SWANSON TO APPROVE THE REGULAR COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2011 AS PRESENTED. MOTION CARRIED WITH ALL AYES.

#### **D. MAYOR'S REPORT –**

1. Mayor Schneider noted that an application was received from Darrell Shannon to fill a vacant Public Works Commission Member position. MOTION 10R-04-11 WAS MADE BY DARRELL SCHNEIDER AND SECONDED BY JOHN MOENGEN TO APPOINT DARRELL SHANNON TO THE PUBLIC WORKS COMMISSION TO FILL CARLA BULMAN'S TERM THROUGH JANUARY 31, 2012. MOTION CARRIED WITH ALL AYES.
2. A letter dated September 19, 2011 from Crow Wing County regarding the market value credit program was included in the packet for Council information. Mayor Schneider noted that the County will be holding meetings for local public officials to discuss the new market value credit exclusion program that is replacing the market value homestead credit program. Mayor Schneider noted the impact for Crosslake is not known yet but there will be more updates as the information is received.
3. A letter dated October 6, 2011 from Mel and Char Koshiol regarding Planning and Zoning issues was included in the packet for Council review. Mayor Schneider noted the biggest concern expressed from the Koshiols was regarding even enforcement of city codes. Another issue noted in the letter was regarding the storage building built by John Foy that was over the maximum peak height allowed of 15 feet. Administrator Swenson noted the completed building measured at 15 feet, 2 ¾ inches and that city staff considers that to be within acceptable building tolerances. MOTION 10R-05-11 WAS MADE BY DARRELL SCHNEIDER AND SECONDED BY STEVE ROE TO ACCEPT THE BUILDING CONSTRUCTED BY MR. JOHN FOY TO BE WITHIN ACCEPTABLE CONSTRUCTION TOLERANCES. MOTION CARRIED WITH ALL AYES.

#### **E. PUBLIC FORUM –**

1. An email dated September 30, 2011 from Cann Noise regarding noise ordinances from Manhattan Beach was included in the packet for Council information.
2. Mark Wessels of 13336 East Shore Drive addressed the Council regarding various concerns. At the May 9<sup>th</sup> meeting the Council discussed a possible joint venture with Crow Wing County regarding planning and zoning services and Mr. Wessels questioned what the status was of that proposal. Mr. Wessels also questioned some recent actions taken by the Planning and Zoning staff citing their actions did not relate to the health, safety and welfare of the City. Mr. Wessels accused Mr. Anderson of violating state law in regards to the Data Privacy Act that prohibits the identity of a complainant to be released. Mr. Wessels claimed that Mr. Anderson divulged the name of a complainant at the August 26, 2011 Planning and Zoning Commission meeting and that doing so

violated the Data Privacy Act. Mr. Wessels noted that this violation should be documented in Mr. Anderson's personnel file.

**F. CITY ADMINISTRATOR'S REPORT –**

1. City Bills for Approval – MOTION 10R-06-11 WAS MADE BY DEAN SWANSON AND SECONDED BY RUSTY TAUBERT TO APPROVE THE BILLS FOR PAYMENT FOR OCTOBER AS SUBMITTED IN THE AMOUNTS OF \$52,560.63 AND \$32,373.75. MOTION CARRIED WITH ALL AYES.

Administrator Swenson stated that a Public Hearing has been scheduled for Tuesday, October 25<sup>th</sup> for the refunding of 2003A Lease Revenue Bonds, 2003A G.O. Disposal System Bonds and the 2004A G.O. Improvement Bonds. The projected savings of the refunding will be approximately \$250,000. A notice regarding the public hearing will be in the Northland Press on October 11<sup>th</sup>. The Public Hearing will review a Capital Improvement Plan required to refund the 2003A Lease Revenue Bonds and issue a General Obligation Bond in its place.

**G. COMMISSION/DEPARTMENT REPORTS –**

1. PARK AND RECREATION/LIBRARY –
  - a. The Crosslake Park/Library Commission Meeting Minutes of August 24, 2011 were included in the packet for Council information.
  - b. Park Director Jon Henke reported that the Community Center offers aerobics on Mondays, Tuesdays and Thursdays at 9:00 A.M. A new Latin dance class has also started and takes place on Tuesday nights from 5:00 – 6:00 P.M. The Library computers now have Windows 7 and Microsoft Office 2010 software. The new Library Drop Box has been extremely popular and has added to the convenience of library use. The annual Links for the Library Golf Tournament was held on September 18<sup>th</sup>. Ten teams participated. Mr. Henke extended thanks to the event sponsors Crosswoods Golf Course, Crosslake Drug, Thomas and Associates and Moonlite Bay. Senior meals take place at the Community Center Monday through Friday at 11:30 A.M. Interested participants must call by 4:00 P.M. the day before to make a reservation. The Community Center offers an array of fitness equipment and is open seven days a week. Day passes and memberships are available. The October Chautauqua program will be held on the 12<sup>th</sup> from 1:30 to 3:30 P.M. and will feature well-known lakes area guide Walleyedan Eigen. Walleyedan will share pointers on how to make the most of your fall fishing and hunting outings and also give advice about hunting the pre-rut and the rut, including proper attire and scent control. As always the program is free to attend. Attendance for the Community Center for the month of September was 5,682 and for the Library was 2,524. AAA is sponsoring a senior driving 4-hour refresher class on October 20<sup>th</sup> from 9:00 A.M. to 1:00 P.M. The Disc Golf Course is open daily and discs are available to rent or purchase at the recreation desk. It is free to play and maps are available. The Community Center is once again open seven days a week. The second annual Monster Dash 5k is scheduled for Saturday, October 29<sup>th</sup> at 10:15 A.M. Registration is \$25 until October 20<sup>th</sup> and \$30 through race day. The annual Halloween Party will follow the race from

12:00 – 2:00 P.M. The Parks Department is interested in expanding the Community Garden or creating an additional garden for the 2012 season. Anyone interested in a plot should contact the Community Center. This venture has been one of the most successful programs that the Park has seen over the last 12 years. The Ski/Snowshoe Club will be setting a date for a meeting in November to discuss ideas for the upcoming months. Please contact the Community Center if you are interested in getting more information about the Club. The Parks Department received a donation for \$500 from Crosslake Drug as the 2011 premier sponsor for the Crosslake Monster Dash. The Parks Department also received a check from the Crosslake/Ideal Lions Club for \$1,800 to be utilized for current and future expenses for the Crosslake Soccer Program. MOTION 10R-07-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO ACCEPT A DONATION FROM CROSSLAKE DRUG IN THE AMOUNT OF \$500 AS THE PREMIER SPONSOR FOR THE CROSSLAKE MONSTER DASH AND FOR \$1,800 FROM THE CROSSLAKE/IDEAL LIONS CLUB TO BE UTILIZED FOR CURRENT AND FUTURE EXPENSES FOR THE CROSSLAKE SOCCER PROGRAM. MOTION CARRIED WITH ALL AYES.

2. PLANNING AND ZONING –

- a. The Planning and Zoning Commission/Board of Adjustment Special Meeting Minutes and Public Hearing of August 25, 2011 were included in the packet for Council information.
- b. The Planning and Zoning Commission/Board of Adjustment Regular Meeting Minutes and Public Hearing of August 26, 2011 were included in the packet for Council information.
- c. The September 2011 Permit Summary was included in the packet for Council information. The year-to-date valuation for 2011 is \$4,100,852 which is up from the previous year.
- d. A memo dated October 10, 2011 from the Planning and Zoning Commission regarding a recommendation regarding Margo Jordan's inquiry/concerns about the prohibition on blue, directional special service signs was included in the packet for Council review. Mr. Anderson stated that at the public forum of the last Council meeting, Ms. Jordan commented that she has received a great number of people stopping at her business asking for directions to various businesses in Crosslake. Ms. Jordan said the City should allow the blue signs on the highway to direct people to various businesses, the City should pay her for making referrals and giving directions or the City should pay to put an informational kiosk on her lot. The Planning and Zoning Commission unanimously recommends the City Council tell Margo Jordan to cheerfully help the people and/or put a sign on her door directing people to stop at the Chamber of Commerce information center to ask for directions. Councilmember Swanson said that directing people to the Chamber would be the best option for Ms. Jordan since the Chamber has information on all of the Crosslake businesses. MOTION 10R-08-11 WAS MADE BY STEVE ROE AND SECONDED BY DEAN SWANSON TO TELL MARGO JORDAN TO DIRECT PEOPLE TO THE CHAMBER OF COMMERCE INFORMATION CENTER. MOTION CARRIED WITH ALL AYES.

- e. A memo dated October 10, 2011 from Ken Anderson regarding review of a draft lot line policy was included in the packet for Council review. Mr. Anderson noted that as a follow-up on the City Council directive at the September Council meeting, an email was sent to the League of Minnesota Cities requesting information on land use policies. A response was received from Jed Burkett, Land Use Loss Control Attorney. Using this information as a guide, a draft Lot Line Policy was prepared by Mr. Anderson. The policy is structured such that it provides general information outlining property owner responsibilities and direction for City Staff in handling boundary line disputes. The policy also recognizes the need for City staff to identify property boundary lines as part of the day-to-day activities of inspecting building and property improvements and maintaining various public properties and right-of-ways. Councilmember Roe questioned if the City has the authority to identify property pins and noted that he does not feel the staff is qualified to be land surveyors. Attorney Couri agreed that the City does not have jurisdiction over lot line disputes and noted that the proposed policy outlines a practical guideline for staff to follow. Attorney Couri also noted the City is not a guarantor of property lines and is simply taking the best information that's available at the time to determine whether or not there are any significant set back issues with respect to issuing zoning permits. Mr. Anderson stated that property information is getting more accurate and the Council could amend the City's ordinance to require surveys for all permits but that would probably be cost prohibitive. City Administrator Swenson reiterated that the policy states the City will not get involved with private lot line disputes but there are instances where the staff needs to locate existing monuments and use their best judgment. Administrator Swenson said that this same issue came up a few years ago and many people got upset about the increased costs if surveys were required. The Council held a lengthy discussion on when it would be appropriate to require a survey before issuing a zoning permit and when staff is allowed to identify existing property pins.

Mayor Schneider called a recess at 9:00 P.M. At 9:05 P.M. Mayor Schneider called the meeting back to order.

City Engineer Dave Reese stated in the past 15 years there has only been one time that the City has utilized WSN for surveying work so it's very rare that the City needs professional assistance in locating lot lines or verifying field conditions. Engineer Reese noted that it's a matter of what degree the Council wants to set the policy at in giving staff the ability to make field decisions. Crow Wing County had a policy similar to this a few years ago but has since changed their policy.

Bruce Larson of Larson Group Real Estate stated that he is in opposition of requiring a survey as it adds another layer of restrictions and additional expense to a property owner.

Councilmember Roe noted he would like to see this policy go to the Planning and Zoning Commission since they have not seen it yet with a few directives from the Council on changes they would like to see incorporated. Councilmember Moengen said that he would like to see a few areas cleaned up to make it easier for the staff.

MOTION 10R-09-11 WAS MADE BY STEVE ROE AND SECONDED BY DEAN SWANSON TO SEND THE PROPOSED LOT LINE POLICY TO THE PLANNING AND ZONING COMMISSION WITH THE DIRECTIVE THAT THE CITY DOES NOT WANT TO BE INVOLVED WITH PRIVATE PARTY BOUNDARY DISPUTES OR SURVEYING WORK. MOTION CARRIED WITH ALL AYES.

3. PUBLIC WORKS/CEMETERY/SEWER –

- a. The August 2011 Wastewater Treatment Discharge Monitoring Report was included in the packet for Council information.
- b. A letter dated October 3, 2011 from WSN regarding a release of final retainage for Sunrise Island Bridge Project was included in the packet for Council review. City Engineer Reese noted the punch list items have been completed and the recommendation is to release the retainage at this time. MOTION 10R-10-11 WAS MADE BY RUSTY TAUBERT AND SECONDED BY DARRELL SCHNEIDER TO APPROVE THE RELEASE OF \$2,282.32 TO DALLCO, INC. MOTION CARRIED WITH ALL AYES.
- c. Public Works Director Ted Strand stated that WSN is assisting with completing the Waste Water Treatment Plant permit renewal application form and that the renewal has to be submitted 180 days in advance of the current permit expiration date. MOTION 10R-11-11 WAS MADE BY STEVE ROE AND SECONDED BY DEAN SWANSON TO AUTHORIZE THE CITY ADMINISTRATOR TO SIGN THE PERMIT RENEWAL APPLICATION FOR THE WASTE WATER TREATMENT PLANT AND AUTHORIZE PAYMENT OF THE FEE TO BE SENT WITH THE RENEWAL. MOTION CARRIED WITH ALL AYES.

4. PUBLIC SAFETY –

- a. Chief Hartman reported 158 calls in Crosslake for September.
- b. Chief Hartman reported 45 calls in Mission Township for September.
- c. A memo dated October 10, 2011 from Chief Hartman regarding the sale of forfeited vehicles was included in the packet for Council review. Chief Hartman noted the Police Department would like to sell two vehicles received through forfeitures. One is a 2002 Chevrolet pickup truck and the other is a 1992 Chevrolet pickup truck. Minimum bids are recommended in the amount of \$3,000 for the 2002 Chevy and \$250 for the 1992 Chevy to cover expenses. MOTION 10R-12-11 WAS MADE BY DEAN SWANSON AND SECONDED BY JOHN MOENGEN TO AUTHORIZE THE SALE OF A 2002 CHEVROLET PICKUP BY SEALED BID WITH A MINIMUM BID OF \$3,000 AND A 1992 CHEVROLET PICKUP BY SEALED BID WITH A MINIMUM BID OF \$250. MOTION CARRIED WITH ALL AYES.
- d. The Crosslake Fire Department responded to 17 calls in September. Of those, thirteen were medical calls, 1 was a grass fire and three were fire alarms.
- e. A memo dated October 10, 2011 from the Fire Chief regarding acceptance of a donation was included in the packet for Council review. The fire department received \$1,390 in donations as a memorial for Francis Fraser. The funds will be used towards the purchase of equipment for the Fire Department. MOTION 10R-13-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO

ACCEPT DONATIONS RECEIVED IN THE AMOUNT OF \$1,390 AS A MEMORIAL FOR FRANCIS FRASER. MOTION CARRIED WITH ALL AYES.

- f. Chief Anderson gave the Council an update on the tanker truck. Chief Anderson noted that the Fire Department's 3,000 gallon tanker truck has started leaking out of the bottom. The cost of a new truck is approximately \$200,000 and the cost of a new tank for the truck is approximately \$40,000. Chief Anderson suggested re-sealing the bottom of the tank for approximately \$3,500. This should extend the life of the tank by an additional ten years. MOTION 10R-14-11 WAS MADE BY DEAN SWANSON AND SECONDED BY JOHN MOENGEN TO AUTHORIZE THE FIRE DEPARTMENT RE-SEAL THE BOTTOM OF THE TANKER TRUCK AT A COST OF \$3,500. MOTION CARRIED WITH ALL AYES.
- g. The September 2011 North Ambulance Run Report was included in the packet for Council information.

**5. CROSSLAKE COMMUNICATIONS –**

- a. The Highlights Report for September was included in the packet for Council review. Paul Hoge reported that the list of August checks and disbursements is not available due to the software conversion. They have also received notice from both HBO and Cinemax of rate increases and Mr. Hoge encouraged everyone to read the October issue of Crosslake Communicate that explains the rising fees that the networks are imposing on everyone. The first billing on the new NISC software has been completed with the October 1<sup>st</sup> bills. Fritz Ludwig was recognized for five years of service.
- b. The Crosslake Communications Meeting Minutes of September 27, 2011 were included in the packet for Council information.
- c. The Crosslake Communications Customer Counts Report was included in the packet for Council information.

**6. PERSONNEL COMMITTEE – None.**

**7. RECYCLING – None.**

**8. ECONOMIC DEVELOPMENT AUTHORITY – None.**

**H. CITY ATTORNEY REPORT –**

- 1. The City Attorney Report dated October 10, 2011 was included in the packet for Council information.


**I. OLD BUSINESS – None.**

**J. NEW BUSINESS – None.**

**K. PUBLIC FORUM – None.**

L. ADJOURN - MOTION 10R-15-11 WAS MADE BY JOHN MOENGEN AND  
SECONDED BY RUSTY TAUBERT TO ADJOURN THIS REGULAR MEETING AT  
9:50 P.M. MOTION CARRIED WITH ALL EYES.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "J. Max", is written over a circular stamp or mark.

Jennifer Max  
Clerk/Treasurer

Deputy Clerk/Minutes/10-10-11



**BILLS FOR APPROVAL**  
**October 10, 2011**

VENDORS	DEPT		AMOUNT
Ace Hardware, memory cards	Police		70.51
Baratto Brothers Construction, roofing	P&R		150.00
City of Crosslake, sewer utilities	PW/Gov't		108.00
Council #65, union dues	ALL		550.00
Crosslake Communications, 2 computers	P&R	pd 10-3	1,758.09
Crosslake Communications, phone, fax, cable, internet	ALL		2,602.98
Crosslake Rolloff, recycling	Gov't		2,695.00
Crow Wing County Land Services, e911 addresses	Gov't		50.00
Darrell Schneider, reimburse mileage	Council		142.08
Deatons Mailing Systems, ink cartridge	P&Z/Admin		105.81
Deferred Comp	ALL		226.92
Delta Dental, dental insurance	ALL		1,666.65
Demco, tape, cover jackets	Library		573.29
Donna Keiffer, exercise the latin way	P&R		88.16
Donna Keiffer, aerobics session #10	P&R		264.48
Echo Publishing, letterhead, envelopes	P&R		146.03
Fortis, disability	ALL		509.88
General Drivers Union Local #346, union dues	Police		178.00
Holden Electric, repair civil defense siren	Gov't		679.25
Jeff Wurdeman, reimburse for soccer supplies	P&R		513.14
Jenny Max, reimburse petty cash	ALL		122.61
Katie Wallace, refund soccer registration	P&R		40.00
Mastercard, L&M Fleet Supply, burlap	PW		21.35
Mastercard, Whitefish Auto, oil change	P&Z		27.06
Medica, health insurance	ALL		29,340.22
MMUA, safety management program	ALL		2,237.50
MN Fall Expo, conference	PW	pd 10-3	100.00
MN Life, life insurance	ALL		346.80
MN/WI Playground, wood fiber	P&R		2,391.54
MR Sign, e911 address sign and street name sign	PW		126.26
MR Sign, e911 address signs	PW		47.60
MR Sign, e911 address sign	PW		20.97
NCPERS-Life Insurance	ALL		160.00
Northland Press, commission vacancy ad	PW		28.00
Parts City, winter blades	PW		14.34
PERA	ALL		N/A
Pine River Area Sanitary District, biosolids treatment	Sewer		3,400.00
State and Federal Taxes	ALL		N/A
The Office Shop, labels	Admin		24.25
Verizon Wireless, cell phone charges	ALL		649.82
Waste Partners, trash removal	ALL		213.09
Xcel Energy, gas utilities	P&R/Gov't		170.95
<b>TOTAL</b>			<b>52,560.63</b>

**ADDITIONAL BILLS FOR APPROVAL**  
**October 10, 2011**

VENDOR	DEPT	AMOUNT
Alex Senst, soccer official	P&R	100.00
Antonio Donato, soccer official	P&R	145.00
AW Research, water test	Sewer	131.40
Crow Wing County Attorney, august fines/fees	Police	1,000.38
Culligan, water and cooler rental	PW/Gov't	59.65
Fire Relief Assn, reimburse state aid	Fire	29,224.00
Houston Ford, battery repair	Police	88.54
Jeff Wurdeman, soccer official	P&R	50.00
Johnson Killen & Seiler, personnel matters	Gov't	296.00
Mastercard, Barnes and Noble, books	Library	44.97
Med Compass, osha required hearing tests	ALL	666.00
Mike Amsden, reimburse mileage	PW	94.35
Parts City, antifreeze	P&R	8.55
Seaberg Motorsports, attachment for snow plow	P&R	464.91
		32,373.75