

**SPECIAL COUNCIL MEETING
CITY OF CROSSLAKE
MONDAY, OCTOBER 18, 2004
1:30 P.M. – CITY HALL**

Pursuant to proper notice and call, the City Council met in a special session on Monday, October 18, 2004 at 1:30 P.M. The following Councilmembers were present: Mayor Darrell Swanson, Dean Eggena, Bettie Miller, Dick Phillips and Irene Schultz. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, Park and Recreation Director Jon Henke, City Attorney Paul Sandelin and Clerk/Treasurer Darlene Roach. There were two candidates for Council seats plus six other individuals in the audience.

1. Mayor Swanson called the meeting to order at 1:30 P.M.
2. Community Development Director Ken Anderson requested that the Dan White/Betsy Hoffman Variance Appeal, which was tabled at the Regular Council Meeting, be tabled to a subsequent meeting based on information received from the Corps of Engineers relating to the results of the ROPE Study that was recently completed by them. Anderson did speak with the applicant regarding this matter and Mr. White is in agreement with tabling the issue pending additional information from the Corps of Engineers.
3. The Sewer Committee has been working on two documents related to sewer extensions along with City Attorney Sandelin and a recommendation was presented to the City Council. The Utility Extension Agreement applies to developers who are considering multiple connections in a development and is similar to plat developments where the City takes over the roads within a particular development. A feasibility study needs to be provided to the City by the developer in conjunction with the Utility Extension Agreement. Page 2 of Agreement allows the developer to use the City Engineer or the Developer's Engineer to confirm the scope of the feasibility study, however if the Developer's Engineer is utilized, the work shall be coordinated with the City Engineer. There was some discussion among the Council regarding this requirement and it was the consensus of the Council to clarify the language regarding what role the City Engineer plays in this study since the City Engineer is working on behalf of the City. After Council approval, and upon execution of the Agreement, a deposit of \$5,000 must be paid to the City to cover expenses incurred by the City. There was some discussion regarding how long the Agreement would be in effect and the Council agreed that the Agreement would sunset after one year in order to be able to determine the number of available connections. City Attorney Sandelin suggested a possible review after one year to determine if an extension would be advisable. Discussion ensued regarding the City taking over sewer lines in private developments. WSN has informed the Sewer Committee that under MPCA rules, if there is more than one service being extended on the line, MPCA approval is required. Single services do not require MPCA approval. City

Attorney Sandelin commented that the Utility Extension Agreement would apply to both roads and sewer for a developer. There was some discussion regarding the one year sunset and Community Development Director Anderson stated that he would prefer a longer timeframe since it could take up to 45 days just to receive MPCA approval. Anderson felt two years would be more realistic for a developer. Councilmember Eggena asked what the City would be taking over after completion and if it is the line up to the property line that would be consistent with other properties. MOTION 10S2-01-04 WAS MADE BY DEAN EGGENA AND SECONDED BY BETTIE MILLER TO APPROVE THE UTILITY EXTENSION AGREEMENT WITH THE CHANGES AS NOTED. MOTION CARRIED WITH ALL AYES. The other agreement, the Utility Service Agreement, does not require a feasibility study or MPCA approval. After discussion, it was the consensus of the Council that Item 3. c. should be revised to add "and/or" any assessments, levies, or additional costs..... City Administrator Swenson asked whether this document could be recorded so that any future property owner is aware of the potential assessment and City Attorney Sandelin stated that it is a recordable document. MOTION 10S2-02-04 WAS MADE BY BETTIE MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE UTILITY SERVICE AGREEMENT. MOTION CARRIED WITH ALL AYES.

4. Park Director Jon Henke requested Council approval to send a letter to eleven or twelve property owners requesting an easement from them to connect the trail system north of the City. This letter has been reviewed by the Ideal SnoPros and includes a survey for completion by the property owners. The Park Department was previously directed by the Council to work to promote snowmobiling within the City of Crosslake. MOTION 10S2-03-04 WAS MADE BY DEAN EGGENA AND SECONDED BY BETTIE MILLER TO AUTHORIZE THE PARK AND RECREATION DIRECTOR SENDING A LETTER TO THE AFFECTED PROPERTY OWNERS. Henke noted that if easements are given, the trail will extend to County Road #1. The current trail lacks connection by approximately one mile. There was some discussion regarding the use of the bike path along Daggett Pine Road as a path for snowmobiles and it was the consensus of the Council to allow use by snowmobiles. Mayor Swanson asked for a consensus of the Council to allow him to contact local legislators to enact legislation to exempt County Road 66 from one way traffic. MOTION CARRIED WITH ALL AYES. Following approval of this motion, MOTION 10S2-04-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO AUTHORIZE THE MAYOR CONTACTING LOCAL LEGISLATORS TO CONTACT THE DEPARTMENT OF TRANSPORTATION TO ALLOW TWO WAY TRAFFIC ON COUNTY ROAD 66 FOR SNOWMOBILE TRAFFIC. MOTION CARRIED WITH ALL AYES.
5. Discussion regarding an Ordinance Amendment for Park Dedication – At the last meeting, there were concerns about the Park Dedication Ordinance and the Council requested some considerations be brought to the Council for review. Park and Recreation Director Jon Henke provided the Council with copies of ordinances from Breezy Point, Fifty Lakes, Pequot Lakes, Brainerd and Baxter. It

was noted that Brainerd and Baxter charge a \$700 per lot fee for residential and a percent of market value for commercial. Henke stated that he feels the City's ordinance is good and comparable to surrounding cities. He stated that over 400 lots have been created since 1993 of which 267 are platted lots. Henke stated that State Statute calls for a reasonable amount and that was the basis for establishing the maximum of \$5,000. City Attorney Sandelin stated that at the last meeting, the remnant lot was the issue. Sandelin stated that plats work well under the Park Dedication Ordinance, however metes and bounds are an issue with the remnant lot. Councilmember Eggena felt the intent of the Legislature was for plats and the City has been charging on metes and bounds. He stated that the community should be able to grow the park system on new lots and the City should never charge for the remnant piece. There was some discussion regarding the definition of a lot. Councilmember Phillips used the example of paying a tax on a used car. He stated that every time a used car is sold, a tax is paid and why wouldn't the City charge park dedication each time a parcel is sub-divided. Eggena stated the City would never have affordable housing if this approach is used. Park and Recreation Director Henke reviewed the various items that Park Dedication Fees have paid for within the City. He stated that if we don't have Park Dedication Fees the taxpayers will foot the entire bill. Councilmember Eggena stated that the park budget is 8.3% of the total City budget and of the \$45,000 of tax revenue the City will get from new construction, \$3,700 could be allocated to parks from new construction. The way it works today, the Park Department receives \$75,000 in Park Dedication Fees to add onto the park, yet maintenance of these items cannot be paid for out of these fees, so taxes are increasing each year to maintain the additions. City Attorney Sandelin stated that, while the Statute is vague as to whether Park Dedication Fees can be used for on-going maintenance, he has not seen the language challenged. Councilmember Eggena stated "let's not build a house so large, we can't afford to paint the house when it needs to be painted". Mayor Swanson stated that maybe the City got tied into valuation versus a per lot charge and that the City look at that option. Councilmember Phillips still maintained that every time someone splits a property, the fee should be paid. City Administrator Swenson commented that a major revenue source would be done away with if Park Dedication Fees are eliminated. Terry Curtis stated that developers should be required to pay the fee when they pull the permit on the property. Morrie Mikkelson stated that as land values increase, the Park Dedication Fees should be increased for the developer if they have not yet been paid. Mayor Swanson asked the Council how they would like this issue handled and it was the consensus of the Council that the Park and Recreation Commission and Planning and Zoning Commission review the Ordinance and bring a recommendation back to the Council for review. Councilmember Eggena stated that as an elected official, he would agree with doing this if the Park Commission looks at all aspects not just growing the park. City Attorney Sandelin was directed to provide the Council with a ruling on what the Park Dedication money can be used for. Sandelin will also check when the fee can be paid. Community Development Director Anderson stated that the Koshiol Park Dedication issue

was tabled at the Regular Council Meeting and should be tabled again pending further discussion on Park Dedication Fees.

6. Bills for Approval – MOTION 10S2-05-04 AS MADE BY IRENE SCHULTZ AND SECONDED BY BETTIE MILLER TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$3,481.92. MOTION CARRIED WITH ALL AYES.

MOTION 10S2-06-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY IRENE SCHULTZ TO ADJOURN THIS SPECIAL COUNCIL MEETING AT 4:00 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach
Clerk/Treasurer

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BILLS FOR APPROVAL

18-Oct-04

VENDOR	DEPT	AMOUNT
Ace Hardware, tubing	P&R	8.12
Ace Hardware, rodent trap, blade, antifreeze	P&R	25.76
Ace Hardware, strap hanger	PW	2.12
Ace Hardware, strap hangers	PW	4.24
American Welding, welding service	PW	16.51
Cascade Computers, setup computer	Admin	307.50
Cellular One, cell phone charges	PW	28.83
County Recorder, cup and variance filing fees	P&Z	78.00
Crow Wing Power, electric service	Gov't	279.00
Darlene Roach, reimburse petty cash	P&Z	130.00
Finance and Commerce, bond publication	Gov't	92.73
Hawkins Water Treatment, aluminum sulfate liquid	Sewer	337.01
Henry Scheinost, soccer instruction and umpiring	P&R	75.00
Jay Lorch, reimburse for uniform	Police	109.85
Jim Perry, reimburse travel expenses	P&Z	55.94
Johnson, Killen, Seiler, personnel legal services	Gov't	266.40
Lakes Printing, newsletters	Gov't	300.97
Mastercard, Fleet Farm, snowfences	P&R	84.31
Mastercard, Target, tables	P&R	83.07
Mastercard, travel expenses	Admin	227.30
M R Sign, address signs	PW	361.32
Quill, time cards, phone messages	Gov't	30.45
Ruth Ann Lugenbill, refund for soccer	P&R	10.00
Tom TV, dvds for recording	Gov't	441.13
UPS, postage	Police	12.20
Zee Medical Service, first aid supplies	PW	114.16
TOTAL		3,481.92