

REGULAR COUNCIL MEETING  
CITY OF CROSSLAKE  
TUESDAY, MARCH 9, 2004  
7:00 P.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Tuesday, March 9, 2004 at 7:00 P.M. The following Councilmembers were present: Mayor Darrell Swanson, Dean Eggena and Irene Schultz. Councilmember Dick Phillips was absent. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, City Attorney Paul Sandelin, City Engineer Dave Reese, Public Works Director Ted Strand, Park and Recreation Director Jon Henke, Police Chief Bob Hartman, Clerk/Treasurer Darlene Roach and Lake Country Echo Reporter Betty Ryan. There were approximately fifteen individuals in the audience not including Staff.

- A. **CALL TO ORDER** – Mayor Swanson called the meeting to order at 7:00 P.M. and asked for a motion to accept the additions to the agenda. MOTION 3R-01-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE THE ADDITIONS TO THE AGENDA AS PRESENTED. MOTION CARRIED WITH ALL AYES.
  
- B. **IN MEMORIAM** - Mayor Swanson expressed the City's deepest gratitude to the family of Councilmember Chuck Miller for his sixteen years of distinguished service to the citizens of Crosslake. Chuck served his community passionately and continuously throughout these years and defended his position on issues all for the betterment of the community. Present at the Council meeting, to present a wreath to the City in memory of her husband and their father was Bettie Miller and five daughters, Regina Kalbach, Nancy Hathaway, Sue Miller, Mary Fraser and Charlene Nelson. Councilmember Schultz commented on how she admired Chuck Miller for his wonderful memory and helpfulness to new members of the City Council. Mayor Swanson asked for a moment of silence to honor Councilmember Miller after which he requested that the soul of Chuck Miller rest in everlasting peace.
  
- C. **CONSENT CALENDAR** - MOTION 03R-02-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR CONSISTING OF: (1.) MINUTES OF PUBLIC HEARING FOR EAST SHORE ROAD OF JANUARY 28, 2004; (2) MINUTES OF PUBLIC HEARING FOR EDGEWATER LANE OF JANUARY 28, 2004; (3.) MINUTES OF PUBLIC HEARING FOR MARGARET LANE OF JANUARY 28, 2004; (4.) MINUTES OF PUBLIC HEARING FOR GENDREAU ROAD OF JANUARY 28, 2004; (5.) MINUTES OF REGULAR COUNCIL MEETING OF FEBRUARY 9, 2004; (6.) MINUTES OF JOINT COUNCIL/UTILITIES MEETING OF FEBRUARY 24, 2004; (7.) CROSSLAKE COMMUNICATIONS TELEPHONE AND CABLEVISION COMPANY STATISTICAL REPORT DATED JANUARY 31,

2004; (8.) CITY MONTH END REVENUE REPORT DATED JANUARY 31, 2004; AND (9.) CITY MONTH END EXPENDITURE REPORT DATED JANUARY 31, 2004. MOTION CARRIED WITH ALL AYES.

**D. PUBLIC FORUM – Nothing**

- E. MAYOR'S REPORT –** Armond Gease, President of the Crosslake/Ideal Lions Club presented Mayor Swanson and Police Chief Bob Hartman with a check in the amount of \$20,114.05 to be used for the purchase of four video cameras and five tasers for the Crosslake Police Department. This donation was the project selected by President Gease as the President's Project for 2003.

Due to the death of Councilmember Miller, the Council is required under Ordinance to declare a vacancy and fill the remainder of the term by appointment. The City's Ordinance requires that the Personnel Committee make a recommendation to the City Council. When the vote is called, if there is a tie, the Mayor breaks the tie and may select any eligible person to fill the vacancy. MOTION 03R-03-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO ADOPT RESOLUTION 04-06 DECLARING CITY COUNCIL VACANCY. MOTION CARRIED WITH ALL AYES. Mayor Swanson suggested that an ad be placed in the Lake Country Echo for two consecutive weeks to solicit applicants. Resumes or letters of interest should be submitted to City Hall by March 31<sup>st</sup> for review by the Personnel Committee. The Personnel Committee will interview the week of April 5<sup>th</sup> and bring a recommendation to the City Council at the regular Council Meeting of April 12<sup>th</sup>. MOTION 03R-04-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO ADOPT THE PROCEDURE SUGGESTED BY THE MAYOR TO SELECT AN INDIVIDUAL AS A MEMBER OF THE COUNCIL. Councilmember Schultz asked if this would allow sufficient time and City Attorney Sandelin stated that the timeframe seems reasonable, but the Statute doesn't set any time limits. MOTION CARRIED WITH ALL AYES. Approval to appoint an acting mayor was requested. MOTION 03R-05-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DARRELL SWANSON TO APPOINT IRENE SCHULTZ AS ACTING MAYOR. MOTION CARRIED WITH ALL AYES.

**F. CITY ADMINISTRATOR REPORT –**

1. Bills for Approval - MOTION 03R-06-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNTS OF \$51,710.02 AND \$2,442.67. MOTION CARRIED WITH ALL AYES.
2. A notice from the County Assessor's Office to set the date for the Board of Review was requested. MOTION 03R-07-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO SET THE DATE FOR THE

BOARD OF REVIEW FOR MAY 13<sup>TH</sup> AT 10:00 A.M. AT CITY HALL.  
MOTION CARRIED WITH ALL AYES.

3. Resolution to Oppose Tax and Expenditure Limitation Proposals – Councilmember Eggena stated that he would support the resolution since there is a bill to limit local and county officials from raising taxes more than the amount of inflation plus growth. Eggena stated he felt this type of limitation would be very restrictive if a referendum would be required every time a tax increase was needed. Mayor Swanson also stated he was in favor of supporting the resolution. He stated that we live in a democracy and if the people don't like the decisions the local officials make, the people can vote for someone else. MOTION 03R-08-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE RESOLUTION NO. 04-07 OPPOSING TAX AND EXPENDITURE LIMITATION PROPOSALS. MOTION CARRIED WITH ALL AYES.
4. Memo from Clerk/Treasurer dated March 1, 2004 regarding shareholder change for Moonlite Bay, LLC – Mark and Debra Halbleib have relinquished their 1/3<sup>rd</sup> ownership in Moonlite Bay, LLC to Jerome Pollock and William Terry, who previously each held 1/3<sup>rd</sup> ownership. Jessica Pollock is assuming the responsibility of General Manager of the licensed premises and the Police Department has conducted a criminal history which resulted in satisfactory findings. MOTION 03R-09-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE SHAREHOLDER CHANGE AT MOONLITE BAY, LLC. MOTION CARRIED WITH ALL AYES.
5. Letter dated February 10, 2004 from City Attorney Sandelin regarding Bittner TIF Reimbursement – In February, Councilmember Eggena had a question regarding the TIF Developer's Agreement as it related to the default clause in the case of delinquent taxes and City Attorney Sandelin provided this section of the Agreement for Council review. A payment to Brian Bittner in the amount of \$478.59 is being held pending review of the Agreement. City Administrator Swenson commented that the developer has no control over who pays their taxes since the units have been sold. Based on this, Swenson wondered if the Developer's Agreement should be amended. Councilmember Eggena felt that the Developer should be aware of the terms of the agreement. Mayor Swanson suggested that Staff and City Attorney Sandelin take the issue offline and look into how to enforce the agreement. Councilmember Eggena asked if the City was obligated or should we terminate the Developer's Agreement. MOTION 03R-10-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ THAT IF ALL TAXES ARE NOT PAID AT DAGGETT BROOK VILLAS, THE CITY SHOULD SEND THE DEVELOPER A LETTER NOTIFYING THE DEVELOPER THAT IF THE TAXES ARE NOT PAID WITHIN 30 DAYS, THE AGREEMENT WILL BE TERMINATED. Councilmember Eggena stated that if the taxes are not paid on the 15<sup>th</sup> of May and on the 16<sup>th</sup> of October, the City should send a letter to the developer and if the situation is not remedied within 30 days, the Agreement is in default and will be terminated. Eggena stated that the City needs to call the County to check if the

taxes have been paid. There was some concern by Staff that this information may not be available at the County level the day following the tax due date. MOTION CARRIED WITH ALL AYES.

6. Resolution Approving Renewal of the Charitable Gambling Permit for American Legion Post 500 – Renewal of the gambling permit was requested. MOTION 03R-11-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE RESOLUTION NO. 04-08 TO RENEW THE AMERICAN LEGION'S CHARITABLE GAMBLING PERMIT. MOTION CARRIED WITH ALL AYES.
7. A semi-annual report of Lawful Gambling Expenditures from American Legion Post 500 was provided for Council information.
8. A letter dated March 2, 2004 from County Land Commissioner Tom Cowell included the results of the recent Timber Auction that was held.
9. A letter dated February 16, 2004 from Lynn Scharenbroich, Chair of the Paul Bunyan Scenic Byway Association was included for Council information.
10. Memo dated February 18, 2004 from Sheila Haverkamp regarding the BLADC Project Activity Report for October, November and December 2003 was included for Council information.
11. Lakes State Bank Pledge Update dated February 2004 was included for Council information.
12. Lakewood Bank Pledge Update dated February 29, 2004 was included for Council information.
13. A Certification of Adoption of Director's or Loan Committee's Resolution from Lakewood Bank was included for Council information.
14. Northern National Bank Pledge Update dated February 29, 2004 was included for Council information.
15. A March 5, 2004 letter from the League of Minnesota Cities regarding League State of the Cities Report 2004 was included for Council information.

City Administrator Swenson informed the Council that he will not be in attendance at the April 12<sup>th</sup> Regular Council Meeting. Community Development Director Ken Anderson will be sitting in for Swenson.

#### **G. COMMISSION REPORTS –**

1. **LIBRARY** – Chair Alden Hardwick stated that due to lack of a quorum, the Library Committee did not meet in February. Hardwick reported that Mayor Swanson, Kitchigami Regional Library Director Marian Ridge and himself met with the House Committee on February 12<sup>th</sup> in regards to funding for the Library. Following that meeting, Sandy Eliason and Marian Ridge met with the Senate Committee and on March 8<sup>th</sup>, Allen and Sandy Eliason, Jon Henke, and Hardwick met with Representative Oberstar in Brainerd to discuss library funding. Oberstar feels libraries are very important and stated he would like to start a National Construction Project for Library's. Oberstar did not know if he could do a line appropriation item but overall everyone felt it was a good meeting.

2. PUBLIC SAFETY - Chief Hartman reported 86 calls in Crosslake and 15 calls in Mission Township in February. Acceptance of a donation in the amount of \$925 from the Game and Fish Club was requested. MOTION 03R-12-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO ACCEPT WITH APPRECIATION THE DONATION OF \$925 FROM THE GAME AND FISH CLUB FOR THE PURCHASE OF A TASER FOR THE POLICE DEPARTMENT. Chief Hartman noted that all officers will be trained in the use of the taser which is a muscular control tool with a range of 21 feet that shoots two electric probes. MOTION CARRIED WITH ALL AYES. Approval of the donation from the Crosslake/Ideal Lions Club was also requested. MOTION 03R-13-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO ACCEPT WITH APPRECIATION THE DONATION OF \$20,114.05 FROM THE CROSSLAKE/IDEAL LIONS CLUB FOR THE PURCHASE OF VIDEO CAMERAS AND TASERS FOR THE POLICE DEPARTMENT. MOTION CARRIED WITH ALL AYES. A resolution authorizing participation in the PERA Police and Fire Plan for the two part-time police officers was requested. MOTION 03R-14-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE RESOLUTION NO. 04-09 AUTHORIZING PARTICIPATION BY DAN SATHRE AND JOE GARCIA IN THE PERA POLICE AND FIRE PLAN. MOTION CARRIED WITH ALL AYES. Council approval was requested on Policies and Procedures for Taser M-26 and X-26 for inclusion in the Crosslake Police Department Manual. Mayor Swanson asked where the policies originated and Chief Hartman stated that they were adapted to Crosslake from policies established by Crow Wing County and Breezy Point. Mayor Swanson asked if these policies were reviewed by an attorney. City Attorney Sandelin stated that the League of Minnesota Cities could review the wording for the City. MOTION 03R-15-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE POLICE DEPARTMENT POLICY, UPON REVIEW BY LMCIT, FOR TASER'S M-26 AND X-26 AND ALLOWING FOR USE OF THE TASERS BY THE POLICE DEPARTMENT. MOTION CARRIED WITH ALL AYES. Approval was also requested for Policies and Procedures for use of in Squad Video Cameras. MOTION 03R-16-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE THE POLICE DEPARTMENT POLICY, UPON REVIEW BY LMCIT, FOR IN SQUAD VIDEO CAMERAS WITH A CHANGE TO REFLECT THE CHIEF OF POLICE OR HIS DESIGNEE APPROVING ALL COPY REQUESTS. MOTION CARRIED WITH ALL AYES. Chief Hartman informed the Council that he would be in training on April 12<sup>th</sup>, but Sergeant Lee will be present at the Council meeting. City Administrator Tom Swenson reported that the Fire Department responded to 11 medical calls and 1 fire call in February.
3. PUBLIC WORKS - Due to the rescheduling of the Regular Council Meeting, Ted Strand was not in attendance at this meeting since he was in the Cities attending Sewer Operator training.
- a. Letter from WSN dated February 13<sup>th</sup> to various Consultants regarding request for proposal -- In response to this request, proposals were received

from Independent Testing Technologies, Northern Technologies, Braun Intertec, and GME Consultants, Inc. This information was for Council information. A letter dated March 3, 2004 from WSN recommends the hiring of Independent Testing Technologies (ITT) at a cost of \$870 to verify the construction and soil conditions for Gordon Circle as identified in the scope of work contained in the proposal letter from WSN. A letter from Steve Peterson dated March 9<sup>th</sup> agrees to allowing Independent Testing Technologies to perform the necessary testing of the road and subsurface and to reimburse the City for all costs associated with this testing and inspection. MOTION 03R-17-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO AUTHORIZE INDEPENDENT TESTING TECHNOLOGIES TO PERFORM TESTING ON GORDON CIRCLE AT A COST NOT TO EXCEED \$870 WITH THE COST REIMBURSED BY THE DEVELOPER. The work will be performed the week of March 15<sup>th</sup>. The City will pay the geotechnical firm and all expenses will be reimbursed to the City by the Developer prior to the City accepting the road. MOTION CARRIED WITH ALL AYES.

- b. Letter dated March 1<sup>st</sup> to Dean Spencer from City Administrator Swenson regarding dedication of right-of-way to the City was included for Council information.
- c. City Engineer Dave Reese presented an update on Fawn Lake Road. Representatives from the various municipalities met with Duane Blanck of Crow Wing County and discussed different alternatives for improvement to Fawn Lake Road. Each representative was asked to go back to their elected officials to seek support of the improvement prior to presentation to the County Board of Commissioners. Councilmember Eggena, City Administrator Swenson and Public Works Director Ted Strand were in attendance from Crosslake. The cost of improving the two miles of road would be broken down with Crosslake paying approximately \$75,000, Ideal Township approximately \$20,000, Breezy Point approximately \$120,000 and Mission Township approximately \$52,000. These costs are based on footage. The County would be requested to contribute by upgrading the road to commercial standards (seven ton to nine ton road) and paying the engineering costs. A motion supporting the concept was requested. MOTION 03R-18-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO SHOW SUPPORT FOR IMPROVEMENT TO FAWN LAKE ROAD BY THE CITY OF CROSSLAKE WITH THE UNDERSTANDING THAT THE COST WOULD BE APPROXIMATELY \$75,000, THAT THE COUNTY ASSIST IN THE COST TO BRING THE ROAD UP TO A NINE TON ROAD AND TO PAY ENGINEERING COSTS. MOTION CARRIED WITH ALL AYES. The proposal will be presented to the County Board on April 13<sup>th</sup>.
- d. Appointment of a County Road Advisory Member was requested – MOTION 03R-19-03 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DARRELL SWANSON TO APPOINT DEAN EGGENA

TO THE COUNTY ROAD ADVISORY COMMITTEE. MOTION CARRIED WITH ALL AYES.

4. SEWER – Chairman Dean Swanson stated that the letter to the MPCA from City Engineer Dave Reese requests approval for the possible transport and disposal of petroleum contaminated soil from the site of the former Brainerd National Bank and was included for Council information. A letter dated February 26, 2004 from City Attorney Paul Sandelin to Kevin Henricks of the St. Paul Office of the Corps of Engineers states the City's position in that no separate contract will be entered into with the Corps of Engineers in regards to their connection to City Sewer. The City's position is that the Sewer Ordinance establishes the rules not only for the Corps, but for all users of the system. Should the Corps decide to connect to City Sewer, the Corps will be charged for 55 connection and user charges. Currently the connection charge is \$3,000, however after January 1, 2006 the connection charge will be increased to \$4,000. Should the Corps determine in the near future that it desires to connect to City Sewer, there is no guarantee the capacity for the wastewater flows from the Corps would be available. City Attorney Sandelin updated the Council on the appeal which has been filed by Golden Rule Association. A pay request from KHC Construction in the amount of \$103,626.00 was reviewed and certified for payment by WSN. MOTION 03R-20-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE PAY REQUEST # 12 FOR KHC CONSTRUCTION IN THE AMOUNT OF \$103,626.00. MOTION CARRIED WITH ALL AYES. Mayor Swanson asked if the MPCA has assigned an engineer and Reese stated that Mark Hallan has received a reply from the MPCA that they had a prospect for the Brainerd Office, so some headway is being made.
5. PARK AND RECREATION –  
Park and Recreation Director Jon Henke requested Council approval to accept various donations received for Family Fun Day programming. MOTION 03R-21-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO ACCEPT WITH APPRECIATION THE DONATION OF \$1000 FROM THE CROSSLAKE/IDEAL LIONS CLUB AND \$250 FROM THE CROSSLAKE-FIFTY LAKES AMERICAN LEGION AUXILIARY TO BE UTILIZED FOR 2004 FAMILY FUN DAY PROGRAMMING. MOTION CARRIED WITH ALL AYES. Residents were reminded that the Community Center gym is reserved each weekday morning from 8:00 A.M. – 9:00 A.M. for walking. AAA is sponsoring a senior driving class on Wednesday, March 17<sup>th</sup> from 9:00 to 12:45 P.M. This is a four-hour refresher course and interested persons should call AAA to register. The next session of aerobics will start on April 5<sup>th</sup>. This will be a six-week session ending on May 13<sup>th</sup>. The cost for this six week membership is \$39.00. Approval to contract with Donna Keiffer was requested. MOTION 03R-22-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE CONTRACTING WITH DONNA KEIFFER TO PROVIDE AEROBIC INSTRUCTION FOR SIX WEEKS BEGINNING APRIL 15<sup>TH</sup> THROUGH MAY 13<sup>TH</sup> AT A COST OF \$396.72. MOTION CARRIED WITH ALL AYES. The Community Center, along with Donna Keiffer, is once again offering a Gentle

Fitness Class. This is a fun, gentle exercise program involving stretching, weights and fitness bands. This class targets seniors and those individuals with range of motion issues including joint stiffness. The class is offered on Mondays from 10:30 – 11:30 A.M. The session runs March 1<sup>st</sup> through March 22<sup>nd</sup>. Cost for registration is \$11.00. Approval to contract with Donna Keiffer for this class was requested. MOTION 03R-23-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO CONTRACT WITH DONNA KEIFFER TO INSTRUCT A GENTLE FITNESS CLASS FROM MARCH 1<sup>ST</sup> THROUGH MARCH 22<sup>ND</sup> AT A COST OF \$88.00. MOTION CARRIED WITH ALL AYES. Yoga is offered two times per week by instructor Gail Van Brunt and are held on Monday evenings and Wednesday mornings. The Book Club will start meeting again in April. The Club meets the 3<sup>rd</sup> Friday of the month. Various card clubs are offered at the Center and interested persons should call for details. Dick Dietz is offering Tax Help on Monday afternoons through April 12<sup>th</sup>. Baseball registrations have been mailed out to last year's participants. The cost per player is \$25.00. Registration deadline is April 10<sup>th</sup>. Registrations received after that date are subject to late fees and/or waiting lists. No registrations will be accepted after May 22<sup>nd</sup>. The Parks Department is looking for members who are willing to serve on the Park Advisory Commission. The Commission meets the fourth Monday of each month at 6:00 P.M. Jon Henke thanked the Miller family for all the support Councilmember Miller provided to the Park Department during his time on the Council. The minutes of the February 23<sup>rd</sup> Commission Meeting were included for Council information.

6. UTILITIES - General Manager Dennis Leaser updated the audience on the Joint Council/Commission Meeting that was held at the end of February. During the meeting, the audit was reviewed which reflects the good financial condition of the company. The 2004 budget was also reviewed and approved during this meeting. Office Manager Debby Floerchinger was thanked for the outstanding job she did in compiling the information. Council approval on the 2004 Professional Organizations assisting Crosslake Communications was requested. MOTION 03R-24-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE THE LIST OF PROFESSIONAL ORGANIZATIONS ASSISTING CROSSLAKE COMMUNICATIONS. MOTION CARRIED WITH ALL AYES. The Utilities Commission has elected their 2004 Officers and Ted Silva has been elected Chair and Gerry Brine Vice Chair. The Utilities Commission will be reviewing replacement of the communications tower and a recommendation will be brought to the March 30<sup>th</sup> Special Council Meeting.
7. PLANNING AND ZONING –
  - a. The minutes of the Planning and Zoning Commission/Board of Adjustment Meeting and Public Hearing of January 23, 2004 were included for Council information.
  - b. The Permit Summary for February 2004 was included for Council information. A total of 22 permits were issued in February for a valuation of



\$816,032. The Crow Wing County Permit Summary for February 2004 was also included for Council information.

8. **ECONOMIC DEVELOPMENT AUTHORITY** – The minutes of the February 4, 2004 meeting were included for Council information.
9. **RECYCLING** – A total of 9.6 tons of recyclables were collected in February bringing the year-to-date total to 19.15 tons.
10. **CHARTER SCHOOL** – Councilmember Schultz reported that the school has hired another teacher based on the number of students enrolled. The students are currently working on a Science Fair and the date for the fair will be announced later. The Board is still searching for an Administrator for the school.
11. **LONG RANGE CAPITAL PLANNING** – At a meeting held in February, the Commission felt it was appropriate to make a recommendation regarding the land use densities on lakeshore and waterfront property from the perspective of the number of housing units developed and watercraft located on the waterways. An example is the Sundance Development where eighteen units are being built along with one recreation building on 80 feet of lakeshore. It is the recommendation of the Commission that the performance standards be more strict than what the current Ordinance allows. Since this would appear to be in conflict with the Council's direction to relax ordinances, Staff requested direction on how to proceed. Commission Chair Darrell Schneider was also present at the meeting to answer any questions the Council has in regards to this recommendation. Councilmember Eggena, liaison to the Long Range Planning Commission, stated that it appears there is a community concern that the City's lakeshore may be developing into a condo community and agreed that the use of PUD's needs to be looked at. Mayor Swanson stated that this was looked at as part of the Comprehensive Plan review. Swanson stated that the East Shore Landing Development actually decreased the impact on the lake from its prior use as a marina. Sundance, however, will increase the impact on the lake. Eggena stated that Sundance meets the City's standards, but it is a PUD. Mayor Swanson felt that by the end of the summer, there will be a clearer direction on how the Council should go in regards to these situations. **MOTION 03R-25-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO PLACE A MORATORIUM ON PLANNED UNIT DEVELOPMENTS (PUD'S) ON WATERFRONT PROPERTY UNTIL THE END OF THE YEAR UNTIL THE REVIEW OF THE COMPREHENSIVE PLAN IS COMPLETED.** Councilmember Schultz asked if Ken Anderson was aware of any in progress and Anderson stated that he was not aware of any pending projects, however there will be a concept plan review at the next Planning and Zoning meeting. City Administrator Swenson stated that since this applies to waterfront property only, the planned development district would not be affected by the moratorium. **MOTION CARRIED WITH ALL AYES.** City Attorney Sandelin will review the Ordinance to determine if a moratorium can go into affect without a public hearing on the vote of three members of the City Council.

**12. PERSONNEL COMMITTEE – MOTION 03R-26-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO APPROVE THE HIRING OF CYNTHIA PERKINS TO THE POSITION OF ACCOUNTANT AT CROSSLAKE COMMUNICATIONS WITH THE SALARY AND BENEFITS RECOMMENDED BY THE PERSONNEL COMMITTEE. MOTION CARRIED WITH ALL AYES.**

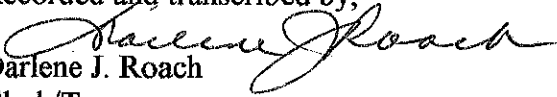
**H. OLD BUSINESS – None**

**I. NEW BUSINESS – None**

**J. PUBLIC FORUM - None**

**K. ADJOURN – MOTION 03R-27-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY DEAN EGGENA TO ADJOURN THIS REGULAR MEETING AT 8:59 P.M. MOTION CARRIED WITH ALL AYES.**

Recorded and transcribed by,

  
Darlene J. Roach  
Clerk/Treasurer

Shared/REGULAR COUNCIL MEETING – March 9, 2004

CITY OF CROSSLAKE

RESOLUTION NO. – 04-06

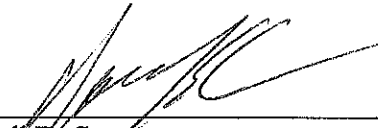
RESOLUTION DECLARING CITY COUNCIL VACANCY

**WHEREAS**, on March 4, 2004, Councilmember Charles (Chuck) Miller, passed away, leaving a vacancy on the City Council; and

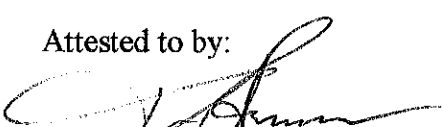
**WHEREAS**, Mr. Miller's term expires December 31, 2004;

**BASED UPON THE FOREGOING**, the Crosslake City Council hereby declares a vacancy on the City Council.

Adopted this 9<sup>th</sup> day of March 2004.

  
\_\_\_\_\_  
Darrell E. Swanson  
Mayor

Attested to by:

  
\_\_\_\_\_  
Thomas N. Swenson  
City Administrator

**BILLS FOR APPROVAL**

9-Mar-04

VENDORS	DEPT	AMOUNT
Ace Hardware - lockwash, bolts	PW	11.16
Ace Hardware, bulbs	PW	16.12
Ace Hardware, hooks, oust, wall anchors, drill bits	PW	36.64
Ace Hardware, ratching, cable ties, socket	Fire	34.15
Ameripride - towels, mats	Jt Fac	190.86
Blue Lakes Disposal, trash removal	ALL	102.38
Cellular One, cell phone charges	Police	191.49
Council #65, union dues	ALL	142.11
Crosslake Rolloff, recycling	Gov't	2,450.00
Crosslake Sheetmetal, repair heating	PW	135.53
Crow Wing County Recorder - filing fees	P&Z	100.00
Crow Wing County Treasurer, audit confirmation	Gov't	10.00
Crow Wing County Treasurer, e911 address	Gov't	25.00
Crow Wing Power, electric service	ALL	4,746.44
Culligan - rental and water	Gov't	23.62
Deferred Comp	ALL	491.66
Delta Dental, dental insurance	ALL	1,086.45
Echo Publishing, envelopes	Admin/P&Z	128.49
Echo Publishing, ordinance 190	P&Z	34.38
Erik Lee - reimburse expenses for street survival class	PD	388.62
Fortis, disability	ALL	236.42
Holiday - propane	PW	52.95
Holiday 20 # propane	PW	13.83
Int'l Assn of Fire Chiefs, membership fees	Fire	170.00
Lakes Area Rental, pole saw	PW	53.25
League of MN Cities, 2004 safety and loss workshop	ALL	100.00
Martin Communications, whip antenna, connector	Fire	143.80
Martin Communications, repair radio	PW	56.52
Mastercard, hotel exp, meals - Sewer Class - TS & cloth all	Sewer	378.90
Mastercard, 8mm 2pk	Police	23.64
Medica, health insurance	ALL	10,929.62
Mills Motors, repair oil cooler	Police	243.22
Mills - door handle	PW	8.81
MN Benefits	Admin	100.92
MN Life, life insurance	ALL	255.60
Molly's Cleaning Service, february cleaning	Gov't	745.50
Moonlite Square, fuel	Fire	20.46
M R Sign, street signs	PW	458.42
NCPERS-Life Insurance	ALL	128.00
North Ambulance, subsidy	Ambulance	1,103.00
Northwood Turf - filters, blades	PW	276.17
PERA	ALL	N/A
Petty Cash - reimb fum filter,bolts,caulking,paint,diesel,dishsp	Park	67.14
Postmaster, permit fee	Gov't	150.00
Reed's - sentence to serve food	PW	37.82

Reed's - sentence to serve food	PW	32.56
Sandelin Law Office - legal	All	5,620.90
RSC - lift	Jt Fac	5,344.66
Russell Martin Ind Inc, wash, wax, foam	Fire	516.00
State and Federal Taxes	ALL	N/A
The Office Shop, copy paper, add machine tape, messages	Admin/P&Z	38.68
Ted Strand - reim expenses	PW	82.04
Tom Swenson, vehicle allowance	Admin	400.00
U S Bank, administration fees	Gov't	1,781.25
Viking Coca Cola, pop	P&R	25.08
Widseth Smith Nolting, engineering fees	ALL	8,534.67
Xcel Energy, gas utilities	ALL	3,235.09
<b>TOTAL</b>		<b>51,710.02</b>

**ADDITIONAL BILLS FOR APPROVAL**  
**9-Mar-04**

<b>VENDOR</b>	<b>DEPT</b>	<b>AMOUNT</b>
Crosslake Communications - Telephone/fax/internet	All	1,431.50
Culligan - water	Gov't	12.00
Pitney Bowes - postage machine rental	Adm/P&Z	136.00
LMCIT - insurance deductible - Johnson Legal	P&Z	250.00
Martin Communications - Lotorola Pager/case/warranty	Fire	613.17
<b>TOTAL</b>		<b>2,442.67</b>

CITY OF CROSSLAKE  
CITY COUNCIL RESOLUTION

**RESOLUTION #04-07**  
**A RESOLUTION TO OPPOSE TAX AND EXPENDITURE LIMITATION PROPOSALS**  
**(TABOR and Similar Proposals)**

**WHEREAS**, the Taxpayers League and others are endorsing proposals to amend the State Constitution to institute tax and expenditure limitations at the state, and potentially local, levels of government that could only be overridden by a vote of the people – an example of these proposals is the “Taxpayers Bill of Rights”;

**WHEREAS**, such proposals would tie the hands of state and local leaders in times of crisis and other unpredictable circumstances, putting state and local governments on “auto pilot” and circumventing thoughtful consideration of policy decisions;

**WHEREAS**, such proposals would prevent state and local officials from making the tough decisions they were elected to make, passing the responsibility for learning all aspects of often complex issues to citizens who have other jobs and responsibilities;

**WHEREAS**, amending the constitution is a virtually irrevocable action and should only be undertaken when legislative remedies have proven inadequate;

**WHEREAS**, such proposals are unnecessary – a “solution in search of a problem” – as demonstrated by lawmakers at both state and local levels of government taking action to deal with one of the worst budget crises to hit the State of Minnesota and, by result, Minnesota’s cities;

**WHEREAS**, this is further demonstrated by the fact that state and local spending as a percentage of personal income has actually declined in recent years, even before the 2003 deficit;

**WHEREAS**, regardless of whether TABOR/TEs are applied just to the State or to local governments as well, these proposals would bring great harm to local communities through continued reductions in state funding, increases in unfunded State mandates, and, potentially, direct tax and expenditure limitations at the local level, which would severely erode decision-making at the local level and the ability to provide the basic services residents and businesses expect and deserve;

**WHEREAS**, such proposals would force the State, and potentially cities, to spend valuable time and money asking for permission from the same people who elected them before any action can be taken on important issues, and would also force taxpayers to pay twice for governance – once for elections of their State and local officials, and again for elections to make the decisions those officials should have made.

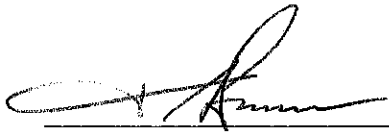
**WHEREAS**, such proposals contradict the fundamental principles upon which our constitution and system of government are based – that representative, not direct, democracy is the most effective form of government as it is most likely to result in good public policy;

**WHEREAS**, those states that have instituted proposals similar to the Taxpayers Bill of Rights, such as Colorado, now face severe problems in meeting the basic needs of their citizenry;

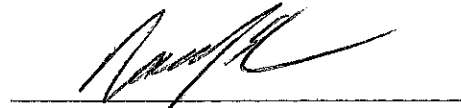
**NOW, THEREFORE, BE IT RESOLVED** by the Council of the city of Crosslake that this Council believes that state and local elected officials are elected to do a job – that job is to represent the interests of their constituents, to deal with difficult decisions, to thoughtfully debate and determine the best course of action for the state or the community they serve.

**BE IT FURTHER RESOLVED** that this Council opposes limits on state and/or local taxes and expenditures, whether through constitutional amendment or other means, and supports the principle of representative democracy as the best route to sound public policy.

**ADOPTED** by the Crosslake City Council this 9<sup>th</sup> day of March, 2004.



Thomas N. Swenson  
City Administrator



Darrell E. Swanson  
Mayor

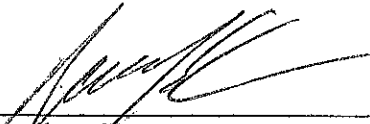


CITY OF CROSSLAKE

RESOLUTION NO. 04-08

The Crosslake City Council at its March 9, 2004 Regular Council Meeting approved the renewal of the Charitable Gambling Permit for American Legion Post 500, Crosslake, Minnesota for the period of July 1, 2004 to June 30, 2006.

Adopted this 9<sup>th</sup> day of March, 2004.

  
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Darrell E. Swanson, Mayor

  
\_\_\_\_\_  
Thomas N. Swenson, City Administrator

**CITY OF CROSSLAKE  
RESOLUTION NO. 04-09**

**RESOLUTION AUTHORIZING PARTICIPATION IN THE  
PERA POLICE AND FIRE PLAN**

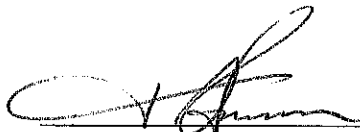
WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

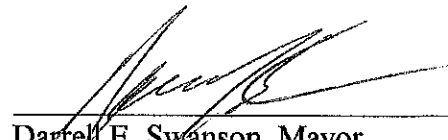
WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CROSSLAKE, MINNESOTA hereby declares that the position titles Part-Time Police Officer, currently held by Daniel R. Sathre and Josef E. Garcia meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

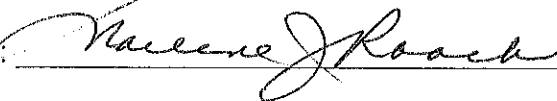
BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

  
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Thomas N. Swenson, City Administrator

  
\_\_\_\_\_  
Darrell E. Swanson, Mayor

STATE OF MINNESOTA  
COUNTY OF CROW WING

I, Darlene J. Roach, Clerk of the City of Crosslake, Minnesota, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the 9<sup>th</sup> day of March, 2004; the original of which is on file in this office. I further certify that three members voted in favor of this resolution and that three members were present and voting.

Signed:   
\_\_\_\_\_

Date: March 9, 2004