

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
REGULAR COUNCIL SESSION
APRIL 8, 1991

The City Council for the City of Crosslake Minnesota met in a Regular Council Session on Monday, April 8, 1991 in the Council Chambers of City Hall. The following Councilmembers were present: Mayor Kurt E. Anderson, Lyle M. Arends, Roger A. Burshem, Charles O. Miller and Dean L. Swanson. Also present were Planning and zoning Coordinator Alden C. Smith, Roads Supervisor Patriok Hoag, Engineer Will Hoyt from Landecker and Associates, Police Chief John Backdahl and City Clerk Arlene Buchite. Also present were approximately 24 Citizens.

Mayor Anderson called this regular session to order at 7:30 p.m.

CONSENT CALENDAR - MOTION NO. 4R-01-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER SWANSON TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF; (1) MINUTES OF MARCH 11, 1991 REGULAR COUNCIL SESSION; (2) THE CLERK/TREASURER'S FINANCIAL REPORT FOR MARCH 1991; (3) THE TELEPHONE COMPANY'S FINANCIAL REPORTS FOR FEBRUARY AND MARCH 1991; AND (4) THE CABLEVISION COMPANY'S FINANCIAL REPORTS FOR FEBRUARY AND MARCH 1991. MOTION PASSED UNANIMOUSLY.

CLERK'S REPORT - MOTION NO. 4R-02-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO PAY ALL BILLS INCLUDING: (1) WORKERS COMPENSATION INSURANCE FOR \$9,391.00; (2) LANDECKER AND ASSOCIATES FOR LAKESHORE DRIVE, SILVER PEAK ROAD, RIVERWOOD LANE AND RUSHMOOR BOULEVARD. MOTION PASSED UNANIMOUSLY.

Discussion ensued regarding a letter from the County Attorney's Office to have less than felony prosecutions settled in Crow Wing County as is presently done. MOTION NO. 4R-03-91 WAS MADE BY MEMBER SWANSON AND SECONDED BY MEMBER MILLER TO APPROVE THE RESOLUTION TO ALLOW THE COUNTY ATTORNEY'S OFFICE TO CONTINUE TO PROSECUTE ALL PUBLIC WRONGS COMMITTED IN CROSSLAKE. MOTION PASSED UNANIMOUSLY.

MOTION NO. 4R-04-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO APPROVE THE RENEWAL OF THE CHARITABLE GAMBLING LICENSE FOR THE AMERICAN LEGION CLUB. MOTION PASSED UNANIMOUSLY.

MOTION NO. 4R-05-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER BURSHEM TO APPROVE THE 3.2 OFF-SALE BEER LICENSE TO TOM AND CAROL OTTOSON THE NEW OWNERS OF ED'S BAIT BOX. MOTION PASSED UNANIMOUSLY.

MOTION NO. 4R-06-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO APPROVE OF A YOUTH DANCE AT THE LUTHERAN CHURCH ON WEDNESDAY JUNE 12 OR JUNE 19 FROM 7:00 P.M. TO 11:00 P.M AS A FUND RAISER TO SEND SOME YOUTHS TO A CONVENTION IN JULY. MOTION PASSED UNANIMOUSLY.

MOTION NO. 4R-07-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER SWANSON TO APPROVE OF THE RENEWAL OF THE GAMBLING LICENSE FOR THE CROSSLAKE/PEQUOT LAKES YOUTH HOCKEY ASSOCIATION AT THE CEDAR CHEST. MOTION PASSED UNANIMOUSLY.

MOTION NO. 4R-08-91 WAS MADE BY MEMBER BURSHEM AND SECONDED BY MEMBER ARENDS TO APPROVE OF THE RENEWAL OF THE GAMBLING LICENSE FOR THE CROSSLAKE PRE-SCHOOL AT THE EXCHANGE. MOTION PASSED UNANIMOUSLY.

A letter was received from a Committee sponsoring an alcohol and drug free party for graduating seniors. It was the consensus of the Council that this was the type of party they would like to have the students participate in. MOTION NO. 4R-09-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER ARENDS TO CONTRIBUTE \$100 TO BOTH PINE RIVER/BACKUS AND PEQUOT LAKES GRAD BLASTS FOR THEIR SENIOR PARTIES. MOTION PASSED UNANIMOUSLY.

MOTION NO. 4R-10-91 WAS MADE BY MEMBER BURSHEM AND SECONDED BY MEMBER SWANSON TO INCREASE THE PETTY CASH FUND TO \$100. MOTION PASSED UNANIMOUSLY.

A course on Parliamentary Procedures at Brainerd Community College was discussed briefly. It was the concensus of the Council that those interested could attend.

MAYOR'S REPORT - Mayor Anderson said he had checked with several companies and Liberty Flag Company was the best price at approximately \$151 each for 6 flags. MOTION NO. 4R-11-91 WAS MADE BY MEMBER SWANSON AND SECONDED BY MEMBER MILLER TO ALLOW THE MAYOR TO PROCEED WITH ORDERING THE CITY FLAGS. MOTION PASSED UNANIMOUSLY.

Mayor Anderson stated that he and Mr. Swanson have met with DNR officials, Chamber of Commerce members and the Lions Club members regarding the rest stop/information booth. Region 5 is laying out a sketch for the parking lot. Mayor Anderson read a letter of commitment from the Chamber that they will be responsible for staffing the building for a limited number of hours during the Spring, Summer and Fall tourist season. Mayor Anderson said he would like the City to budget funds each year to help maintain the area. MOTION NO. 4R-12-91 WAS MADE BY MEMBER SWANSON AND SECONDED BY MEMBER ARENDS TO ALLOW THE MAYOR TO CONTINUE WITH THE REST STOP/INFORMATION BOOTH PROJECT. MOTION PASSED UNANIMOUSLY.

PLANNING AND ZONING - Chairman Jean-Paul Hudon presented to the Council the recommendation from the Commission to approve the Conditional Use Permit (C.U.P.) to operate a Blacksmith Shop in an R-1 area with the following conditions: (1) Limit the size of the building to what now exists; (2) No outside storage; (3) No commercial signs on the building or property; and (4) Not alter the building or grounds in any way so as to indicate that there is any activity or use other than that of a residence. Mayor Anderson said he would like to have it clarified if this is to be a hobby or a business because if it is a hobby there is no need for a C.U.P. Mr. Hudon stated that a Conditional Use Permit was applied for indicating that it was to be a business.

Councilmember Miller stated that in his opinion a blacksmith shop would be dirty and noisy and not conducive to the area where the applicant resided. MOTION NO. 4R-13-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER BURSHEM TO DENY THE CONDITIONAL USE PERMIT TO OPERATE A BLACKSMITH SHOP IN AN R-1 AREA. A lengthy discussion followed.

Member Burshem said according to Ordinance No. 8.70, Subdivision 3, F., 4, "Only 25 percent of the total ground area occupied by the building on the lot is to be used for the shop" and he is sure the applicants will be using the whole building for the shop when they move out of it and into their house and Number 5 states "The occupation shall not be objectionable to adjacent residents due to noise, hours of operation, traffic electrical interferences, etc." and Number 6 states "There shall be no signs other than those allowed by this Chapter in residential districts. Mr. Burshem said the building looks real good but should be in a commercial zone. Mr. Burshem said according to Chapter 8.25, Subdivision 1, a blacksmith shop does not fit into the permitted uses or the conditional uses for an R-1 area. Mr. Burshem said that a blacksmith shop with all its noise and necessary equipment belongs in an industrial area not an R-1 area. All Councilmembers present concurred with Mr. Burshem.

Member Miller stated that it is almost impossible to forge a piece of steel without making any noise and a blacksmith shop in an R-1 area is in violation of the Comprehensive Plan.

Member Swanson said he lives on Velvet Lake and does not feel that the area is conducive to an industrial occupation.

Mayor Anderson asked for comments from the audience. Mr. Jim Stevenson said the P & Z Commission approved the permit because they felt there would be no problem with the neighbors because there would not be any noise, no pollution, no signs and if the applicant does everything according to the Conditional Use Permit as it was recommended there should be no evidence of business

being conducted there. Mr. Stevenson also indicated that the permit would come up for renewal in a year and if there were any problems it would be revoked at that time.

It was the consensus of the Council that it would be very difficult to revoke a permit when it came up for renewal.

Mr. Jim Rockford, a neighbor, stated that there were letters from most of the neighbors opposing the shop because it is in a residential area and is not harmonious with the Crosslake's planning and zoning.

The applicants, Mr. and Mrs. Bolton, were present but did not address the Council on their own behalf.

Mayor Anderson called for a vote and the MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, MILLER AND SWANSON VOTING TO DENY THE CONDITIONAL USE PERMIT.

The next item on the agenda was replatting of the Adair property on the east side of CSAH #6. Mr. David Landecker, Surveyor from Landecker and Associates was present and stated that Mr. Adair was proposing to relocate the easement to the North of the current easement. MOTION NO. 4R-14-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER SWANSON TO APPROVE OF THE TRADE OF THE EASEMENTS IF THE CITY ATTORNEY APPROVES. Dean Eggena was present to say he would like the City to make sure that moving the road would not cut off access to any of the lots there. MOTION PASSED UNANIMOUSLY.

CEMETERY - Mayor Anderson said he was updating the rules and regulations for the Cemetery and would like to have a public hearing preceeding the next council meeting. Mayor Anderson said he would like Council action for flowers and flags for Memorial Day. MOTION NO. 4R-15-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER SWANSON TO APPROVE CHANGING OF PARAGRAPH 27 IN THE CEMETERY RULES AND REGULATIONS SO THAT FLOWERS, WREATHS OR FUNERAL DESIGNS WILL BE PERMITTED THE TWO WEEKS PRIOR TO AND THE TWO WEEKS IMMEDIATELY AFTER MEMORIAL DAY OR THE TWO WEEKS IMMEDIATELY AFTER THE DATE OF BURIAL. MOTION PASSED UNANIMOUSLY.

PUBLIC SAFETY - The Council reviewed the annual report from the Crosslake Firemen's Relief Association showing funds of \$167,000.00. MOTION NO. 4R-16-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER SWANSON TO APPROVE THE 1990 FIREMEN'S RELIEF ASSOCIATION REPORT AS PRESENTED. MOTION PASSED UNANIMOUSLY.

Member Swanson said that the Lion's Club were upset with the charge of \$300 for outside the Crosslake City limit's because many of their members are from outside the City. MOTION NO. 4R-17-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER ARENDS TO REMOVE THE \$300 CHARGE ON THE JAWS OF LIFE. MOTION PASSED UNANIMOUSLY.

Police Chief Backdahl stated he had reviewed the candidates lists and interviewed several candidates for the full-time police officer's position and had narrowed it down to one as was requested. MOTION NO. 4R-18-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER SWANSON TO APPROVE THE HIRING OF MICHAEL SMITH AS RECOMMENDED BY THE ~~PLANNING AND ZONING COMMISSION~~ PENDING PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS AND SUBJECT TO ONE YEAR'S PROBATION AT A STARTING SALARY OF \$20,000 A YEAR AND THE COST OF UNIFORMS AND EQUIPMENT PAID BY THE CITY. MOTION PASSED UNANIMOUSLY.

*Corrected to
Sec Public
Safety
Commission*

Liaison Swanson said the Commission moved to take Steven Schaar off probation. Mayor Anderson stated that the City ordinance states it must be a written request from the Department Head to remove an employee from probation to permanent.

Fire Chief Michael Amsden informed the Mayor that he has a registered engineer, if one is needed, who will work at a reasonable rate to help draw up plans for the fire hall. Mayor Anderson will check to see if an architect or engineer is needed. Fire Chief Amsden is checking into available loans.

UTILITIES COMMISSION - Chairman Tom Towne stated that the Telephone Company had received three bids for a large trencher. The bids were: Ditch Witch of Minnesota for \$32,375.00; Verrmeer Sales and Service for \$36,977.00; and Trenchers Plus, Inc. for \$26,500.00. MOTION NO. 4R-19-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER SWANSON TO APPROVE THE PURCHASE OF A LARGE TRENCHER FROM DITCH WITCH OF MINNESOTA FOR \$32,375.00 AS RECOMMENDED BY THE UTILITIES COMMISSION. MOTION PASSED UNANIMOUSLY.

ROAD COMMISSION - Member Arends said he would like to have the roads posted for weight restrictions.

Mayor Anderson said he appointed Jack Webster as Chairman because it was a new commission.

MOTION NO. 4R-20-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO APPROVE THE PURCHASE OF PADS FOR THE ROAD GRADER. MOTION PASSED UNANIMOUSLY.

MOTION NO. 4R-21-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER SWANSON TO APPROVE THE PURCHASE OF A HYDRAULIC MOTOR BY THE ROAD DEPARTMENT. MOTION PASSED UNANIMOUSLY.

FUNDING AND FUTURE DEVELOPMENT - Secretary Harlan Johnson reviewed the minutes with the Council. Mayor Anderson said Diana Gallaway should not be Chairman of the Commission as she has not been a member for one year. Secretary Johnson said because of Ms. Gallaway's experience as Liaison the Commission felt that she was the most qualified. MOTION NO. 4R-22-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO TABLE

THE APPROVAL OF THE COMMISSION CHAIRMAN UNTIL THE NEXT MEETING.
MOTION PASSED UNANIMOUSLY.

PARK AND RECREATION - Chairman Andy Nelson was present to inform the Council that a Green Thumb worker would be starting at the park sometime in April.

Chairman Nelson said that he contacted the League of Minnesota Cities regarding having developers donate land or money for green space. The Council will review the information received and requested that the Commission get with the Planning and Zoning Commission and bring a recommendation back next month so an Ordinance can be passed.

Discussion ensued regarding recycling. Mayor Anderson said he wanted everyone aware that the recycling is costing \$1200 a year now and there are no provisions in the budget for when the \$4500 grant runs out.

NEW BUSINESS - Mayor Anderson said he would like to see the people who are spending the vast amounts of time on negative aspects of City Government and City personnel spend one-half that time on possitive things and the City would be a far better place to live.

AUDIT - Mr. Mathias Justin, Certified Public Accountant, was present to give the Council copies of the annual audit. Mr. Justin thanked the City Council for their confidence in him by allowing him to do the 1990 City Audit. Mr. Justin stated that the revenues were higher as were the expenditures for the City and the City shows only a two to three month reserve at the present time. Mr. Justin also recommended that the City obtain a bond for the Planning and Zoning Coordinator as well as the Park Director since they both collect City funds. Mayor Anderson suggested that the Council peruse the Audit and approve it at the next Council Meeting.

OLD BUSINESS - Nothing.

PUBLIC FORUM - Mayor Anderson informed the Council that there would be a special council meeting on Friday, April 12, 1991 at 3:00 p.m.

MOTION NO. 4R-23-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER SWANSON TO ADJOURN THIS REGULAR COUNCIL MEETING AT 10:07 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:
Arlene A. Buchite, City Clerk/Treasurer

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