

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE, MINNESOTA
REGULAR SESSION - May 9, 1988
7:30 p.m. at City Hall

The City Council of Crosslake, Minnesota met in a regular session on Monday, May 9, 1988 in the Council Chambers of City Hall. The following members were present: Mayor Oliver Courts, and Councilmembers Elizabeth Andolshek, Lyle Arends, Diana Gallaway and Oliver Yates. Also present was City Clerk Arlene Buchite and approximately 15 members of the community.

Mayor Courts called this regular session to order at 7:30 p.m. and welcomed everyone present.

The first item on the agenda was the consent calendar. MOTION NO. 5R-01-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER YATES TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF THE APRIL 11, 1988 REGULAR COUNCIL SESSION; (2) THE CLERK/TREASURER'S FINANCIAL REPORT FOR APRIL, 1988; (3) THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR APRIL, 1988; (4) THE CABLEVISION'S FINANCIAL REPORT FOR APRIL, 1988; (5) RENEWAL OF THE CHARITABLE GAMBLING LICENSE FOR PEQUOT/ CROSSLAKE YOUTH HOCKEY AT THE CEDAR CHEST; AND (6) RENEWAL OF THE BINGO LICENSE FOR THE AMERICAN LEGION POST 500 AT THE COMMUNITY CENTER. MOTION PASSED UNANIMOUSLY.

CLERK'S REPORT - An application from the Lion's Club for a new pull-tab license was the first item on the clerk's report. MOTION NO 5R-02-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER YATES TO APPROVE THE APPLICATION FOR A CHARITABLE GAMBLING LICENSE BY THE LION'S CLUB AT YE OLDE WHARF. MOTION PASSED UNANIMOUSLY.

The next item was an application for a pull-tab license by the American Legion Post #500. MOTION NO. 5R-03-88 WAS MADE BY COUNCILMEMBER ANDOLSHEK AND SECONDED BY COUNCILMEMBER GALLAWAY TO APPROVE THE APPLICATION FOR A CHARITABLE GAMBLING LICENSE BY THE AMERICAN LEGION POST #500 AT THE SITE OF THEIR PROPOSED NEW BUILDING. MOTION PASSED WITH COUNCILMEMBERS ARENDS AND ANDOLSHEK ABSTAINING BECAUSE THEY ARE MEMBERS OF THE LEGION AND AUXILIARY RESPECTIVELY.

Clerk Buchite indicated she had called the Liquor Control Office to ask about the fees the City could charge for a Club liquor license because of the request from the American Legion for an On-sale Club License. She was informed that the limit is \$300.00. Mayor Courts said he felt it is unfair for the private license holders to have to pay \$1,250.00 and a non-profit organization to only pay \$300.00. All members of the Council agreed that it is unfair competition. After a brief discussion, MOTION NO. 5R-05-88 WAS MADE BY COUNCILMEMBER ANDOLSHEK AND SECONDED BY COUNCILMEMBER YATES TO APPROVE THE APPLICATION FOR AN ON-SALE CLUB LIQUOR LICENSE FOR THE AMERICAN LEGION POST #500 AND TO SET THE FEE AT \$300.00 AND TO LOWER THE COST OF AN ON SALE LIQUOR LICENSE TO THE OTHER ESTABLISHMENTS IN CROSSLAKE TO \$900.00. MOTION PASSED WITH COUNCILMEMBER ARENDS ABSTAINING BECAUSE HE IS A MEMBER OF THE AMERICAN LEGION. Councilmember Gallaway reiterated the facts that according to the

information given to the Council, this Club would be a private Club and not open to the public and would be observing the same closing hours as the private establishments. This was affirmed by the new Commander of the Legion Jean-Paul Hudon.

Clerk Buchite told the Council that she has had several requests from individuals and organizations to use the new City Hall for meetings, and would like some direction from the Council. She also requested some direction from the Council as far as the scheduling procedure and fee schedule if any for the old City Hall. The consensus of the Council was that we have a Community Center which can be used for meetings and that City Hall should be kept for city business and meetings.

Discussion ensued regarding the use of the old City Hall and whose responsibility would it be for heat, electricity and maintenance. Fees and scheduling were also discussed briefly. Mayor Courts said he would like to appoint Councilmembers Andolshek and Arends to come up with a resolution for fee schedules and rules and regulations which should be followed and bring their recommendations back to the Council. It was the consensus of the Council that the City remain in control of the scheduling.

Mayor Courts said he had discussed the possibility of a lease for the old City Hall and the Chamber of Commerce with City Attorney James Gammello. Mayor Courts stated that the City Attorney informed him that if we lease it to the Chamber, the property will have to go back on the tax roles and the Chamber will have to pay the real estate taxes. Mayor Courts said he felt we should just let the Chamber use it and have an agreement with them.

The next item was a letter from the State of Minnesota, Department of Public Safety in response to our request to have a deputy registrar in Crosslake. The letter denied the request because we are within 15 miles of existing registrars at Crosby and Pine River. Mayor Courts said he would like for the Funding and Future Development Commission to check into this further to see if something more can be done.

Next was a letter from the State Demographer's Office saying that our population is now listed at 1015 compared to 1064 population in 1980. It was the consensus of the Council that the estimate is not accurate - that Crosslake is growing in size and not deminishing.

Name plates for the Council were discussed briefly. MOTION NO. 5R-05-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER ANDOLSHEK TO PURCHASE NAME PLATES FOR THE COUNCIL MEMBERS WITH A PLEXIGLASS BASE AND TEN INCH PLATE FOR APPROXIMATELY \$9.50 PLUS 22 CENTS A LETTER AND CONSISTING OF NAMES ONLY AND NO TITLES. MOTION PASSED UNANIMOUSLY.

A letter from the Chamber of Commerce thanking the City for paying for the sign placed on Highway 371 and a letter from the Pine River Library thanking the City for the donation to the library were discussed briefly.

PARK - Park Director Patricia Felber was present and said she will be getting two helpers through the CEP program again this year to help down at the Community Center and that summer programs will begin on June 15th.

PLANNING AND ZONING - Don Coulter, Surveyor, was present to say that the Final Plat of Blue Acres Green has no changes from the preliminary plat and he would like to have the Council approve it subject to payment of plat checking fees. MOTION NO. 5R-06-88 WAS MADE BY COUNCILMEMBER ANDOLSHEK AND SECONDED BY COUNCILMEMBER ARENDS TO APPROVE THE FINAL PLAT OF BLUE ACRES GREEN SUBJECT TO THE PLAT CHECKING FEES BEING PAID. MOTION PASSED UNANIMOUSLY.

The next item from Mr. Coulter was the final plat of Old Log Headquarters which also had no changes from the preliminary plat. Mr. Coulter stated that there would be plat checking fees and engineer fees which would have to be paid. A letter from Landecker and Associates, Inc. which suggested that a performance bond in the amount of \$28,000 should be requested by the City since the road work was not completed. The \$28,000 is about one and one-fourth times the estimated cost of the remaining road work. Discussion ensued regarding Kimball and Miller Roads. Mr. Coulter said the Ordinances are unclear as to the responsibility of the developer. It was the consensus of the Council and Will Hoyt, Engineer from Landecker and Associates that all roads must be completed that are shown on the plats. Mr. Coulter said he felt this would take developer and City cooperation.

Mr. Hoyt said his interpretation of the Ordinance was that one-half the road shall be platted and that was done. Also the Ordinance says a 66 foot right-of-way shall be dedicated and the right of way cleared. Mr. Hoyt says it does not spell it out completely.

Mr. Coulter said that all the Ordinance says is that it must be dedicated. Mr. Hoyt said he did not feel that this meeting was the place to discuss this any further. Mr. Hoyt said that if the City feels that if Miller Road is not to be completed the bond could be lowered some and also if it is determined that Kimball road is not to be cleared the bond could be lowered even more.

Dean Eggena said the developers do not feel that Kimball Road is inside the plat as none of the lots front it.

Councilmember Arends said he felt that if the developer does not clear Kimball Road there will be no access from Kimball from Bunkhouse Road and Lumberjack Road because the City should not have to clear and develop the road. Road Commission Chairman Scott Gallaway said the Road Commission gave Mr. Hoyt and Pat Hoag permission to negotiate with the developers as to who will pay the costs to clear and develop the road. Mr. Hoyt said the City will have the last say because they can assess right against the property if necessary.

At that point Mr. Coulter asked for a motion to approve the plat subject to the bills being paid and the bond posted. MOTION NO. 5R-07-88 WAS MADE

BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER YATES TO APPROVE THE FINAL PLAT OF OLD LOG HEADQUARTERS SUBJECT TO PAYMENT OF FEES INCLUDING ENGINEER'S RECOMMENDATIONS, PLAT CHECKING FEES AND BOND OR CERTIFIED CHECK TO THE CITY FOR \$28,000 OR 125 PERCENT OF THE ESTIMATED COST OF THE REMAINING ROAD WORK. MOTION PASSED UNANIMOUSLY.

CEMETERY - Councilman Arends stated that he has been having a problem getting together with Sam Dunbar and Ollie Yates regarding the purchase of the one acre of land on the North of the Cemetery property.

PUBLIC SAFETY - Jim Gallaway was present to say that Mr. James Gammello, City Attorney, is writing an ordinance to deal with nuisance dogs fashioned around Minnesota Statutes Chapter 347. They hoped to have it ready by the next Council meeting.

UTILITIES COMMISSION - Mr. Dene Carney, Chairman, was present to ask if the Council had any questions regarding the proposed 1988 Budget. MOTION NO. 5R-08-88 WAS MADE BY COUNCILMEMBER ANDOLSHEK AND SECONDED BY COUNCILMEMBER GALLAWAY TO APPROVE THE 1988 BUDGET AS SUBMITTED BY THE TELEPHONE COMPANY. MOTION PASSED WITH COUNCILMEMBER ARENDS VOTING NAY.

Mr. Carney stated that five contractors had picked up the specifications for the remodeling at the Telephone Company building but that only one contractor had submitted a bid. Councilmember Arends said he felt they should wait until more bids were received. Mr. Carney stated that he felt it would not be fair to the contractor who already bid it. MOTION NO. 5R-09-88 WAS MADE BY COUNCILMEMBER ANDOLSHEK AND SECONDED BY COUNCILMEMBER GALLAWAY TO APPROVE THE REMODELING AS PROPOSED AT THE TELEPHONE COMPANY AND TO AWARD THE BID TO CROSSLAKE CONSTRUCTION FOR \$21,683.07 AS RECOMMENDED BY THE TELEPHONE COMMISSION. MOTION PASSED WITH COUNCILMEMBER ARENDS VOTING NAY.

ROAD COMMISSION - Chairman Scott Gallaway told the Council that the Road Commission had received a letter from Landecker and Associates outlining the roads that needed to be done and assessed this year.

Will Hoyt, City Engineer from Landecker and Associates said the first step in any assessment project for a road is a preliminary assessment hearing and that is what they are recommending for Milinda Shores Road and Daggett Bay Road. At that time they will have preliminary cost estimates and a breakdown showing which property owners will be assessed. Mr. Hoyt indicated that they are having a problem with an easement at the end of Daggett Bay. The City does not have right-of-way all the way to Robinson's Estates at the end of Daggett Bay Road and one resident does not want to give it to the City and he does not want to pay any assessments. Mr. Hoyt said the City Council has the options of condemnation or stopping short of there with the bituminous road. The Road Commission feels that because of time and cost for condemnation, it is not worth it in this case.

Mr. Hoyt indicated that there is an existing low area that needs to be looked at on Milinda Shores Road that will require additional fill, rip-rap culvert or some particular design.

Mr. Hoyt indicated that the Road Commission recommended that Landecker and Associates, Inc. proceed with a report answering some of the questions on how much will be paved and who will be assessed and then the Council will have the prerogative to set a date for the preliminary assessment hearing. At the hearing the persons being assessed will have the right to state their opinions and/or objections. It would then be up to the Council to proceed with the road work if they desire.

Councilmember Arends stated that he has had inquiries about Dream Island Bridge work and when it is going to be done and if the residents of the Island will have sufficient warning. Mr. Hoyt said they will have notice as to when the work will begin.

FUNDING AND FUTURE DEVELOPMENT - Nothing

PERSONNEL - Nothing

MAYOR'S REPORT - Mayor Courts said he will be asking the Lion's Club to donate the new council chairs.

Mayor Courts signed a Proclamation proclaiming May 22, 1988 as Museum Day in Crosslake. The museum will have open house from ~~2:00 to 4:00 p.m.~~ -----

A big thank you to Councilmember Gallaway for all her time and effort in making Cities Week a success was next on Mayor Court's agenda. First place winner in the Photo Contest was Mary Ellen Peterson, second was Nancy Kohl and third was Mary Ellen Peterson. The winner of the police bicycle drawing was Zack Hemphill. Essay winners were: Grade 3 - Chad Baker; Grade 4 - Matt Gallaway; Grade 5 - Stacey Peterson; Grade 6 - Melissa Walter; Grade 10 - Heather Stanley; and Grade 12 Gail Peterson. Ms. Gallaway said the square dance also was a big success with everyone who wished to dance participating and Ray O'Rielly doing the calling. Ms. Gallaway said that overall everyone seemed to enjoy it and would like to see it continued.

NEW BUSINESS - The Council had a request from two adjacent property owners of Groveland Beach located in the plat of Manhattan Beach, a replat of Twin Beach, to vacate the property. City Surveyor, Don Coulter, told the Council that this property did not extend to the water and was really kind of a no-man's land. It was the consensus of the Council that precedence would be set if they vacated any parcel of land that had been dedicated to the City and it should not be done. MOTION NO. 5R-10-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER ANDOLSHEK TO DENY THE REQUEST TO VACATE GROVELAND BEACH, IN THE PLAT OF MANHATTAN BEACH, A REPLAT OF TWIN BEACH. MOTION PASSED UNANIMOUSLY. It was also the consensus of the Council that the abutting property owners could maintain the property if they desired.

OLD BUSINESS - Jean-Paul Hudon spoke regarding the sign for charitable organizations which was proposed to be located at the City limits on Highway #3 south of the City. The sign has approval of the Planning and Zoning Commission and the Council and will allow for ten charitable

organizations to display a 20 inch by 30 inch sign. Mr. Hudon was seeking some direction as to who would pay for the material and installation of the sign. After a brief discussion, MOTION NO 5R-11-88 WAS MADE BY COUNCILMEMBER ANDOLSHEK AND SECONDED BY COUNCILMEMBER YATES FOR THE CITY TO PAY FOR THE LUMBER AND PLACEMENT OF A SIGN FOR CHARITABLE ORGANIZATIONS AT THE COST OF \$115.00 TO BE LOCATED SOUTH OF THE CITY ON HIGHWAY #3. MOTION PASSED WITH COUNCILMEMBER ARENDS ABSTAINING. Mr. Kingsteadt said he felt the sign should not precede the official city limits sign. Councilmember Gallaway said she felt it should not say "Welcome to Crosslake" because there are already two signs that say that.

PUBLIC FORUM - Councilmember Gallaway asked about the Annual Audit and was informed by Clerk Buchite that the Auditors are awaiting some information from the Firemen's Relief Association before they can complete it. MOTION NO 5R-12-88 WAS MADE BY COUNCILMEMBER ANDOLSHEK AND SECONDED BY COUNCILMEMBER GALLAWAY TO HAVE MAYOR COURTS CALL THE CITY AUDITOR TO FIND OUT HOW MUCH LONGER IT WILL TAKE TO COMPLETE. MOTION PASSED UNANIMOUSLY.

MOTION NO 5R-13-88 WAS MADE BY COUNCILMEMBER ANDOLSHEK AND SECONDED BY COUNCILMEMBER GALLAWAY TO ADJOURN THIS REGULAR COUNCIL SESSION AT 9:30 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:



Arlene A. Buchite
City Clerk/Treasurer