

SPECIAL JOINT COUNCIL MEETING  
CITY COUNCIL AND ZONING ISSUES AD-HOC COMMITTEE  
CITY OF CROSSLAKE  
THURSDAY, JUNE 2, 2011  
9:00 A.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Thursday, June 2, 2011 at 9:00 A.M. The following Council Members were present: Mayor Darrell Schneider, Steve Roe, Rusty Taubert, John Moengen and Dean Swanson. Also present were City Administrator Tom Swenson, Clerk/Treasurer Jenny Max, Community Development Director Ken Anderson, Police Chief Bob Hartman, Park Director Jon Henke, and Ad-Hoc Committee Members Mike Winkels and Nancy Addington. There were approximately seven people in the audience.

1. Mayor Schneider called the Special Joint Meeting to order at 9:00 A.M.
2. City Administrator Swenson discussed the recent storm and that Staff has received numerous phone calls on whether or not the City is providing a place for residents to take the debris. Mr. Swenson noted there are two possible options which are the City property adjacent to the sewer plant and also the park. If the Council were to approve this Mr. Swenson suggested allowing the residents to use the designated area for two weekends and then let the staff deal with removing or burning the debris. One major issue with the property next to the sewer plant is that there is limited room to get trucks and trailers in and will probably get filled up rather quickly. Mr. Henke noted several issues with having the drop off site at the park include the potential safety hazard with kids playing nearby and also that private companies typically use the area for disposal more than the residents do. Councilmembers Roe and Swanson noted they did not want the debris pile to be at the park for safety and aesthetic reasons. It was noted that residents do have nearby options for disposal of their debris including the Ideal Transfer Station and the Crosslake Demolition landfill and both have a minimal cost. A member of the audience noted in her hometown the city provides a drop-off site but a resident must get a key to get into the gated area. Councilmember Moengen expressed a desire for the City to provide this type of service to the residents as a courtesy. Following discussion, MOTION 06S1-01-11 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO NOT ALLOW RESIDENTS TO DROP OFF DEBRIS AT THE PARK AND THAT RESIDENTS CAN USE OTHER LOCAL FACILITIES TO DISPOSE OF STORM DEBRIS. MOTION PASSED 4:1 WITH COUNCILMEMBER MOENGEN OPPOSED.
3. City Bills for Approval – MOTION 06S1-02-11 WAS MADE BY DEAN SWANSON AND SECONDED BY JOHN MOENGEN TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$51,724.89. MOTION CARRIED WITH ALL AYES.

4. A Partial Payment Estimate No. 2 for SAP 18-597-06 for Sunrise Island Bridge was included in the packet for Council review. Mr. Swenson noted due to the pending state shutdown he wanted to expedite the payment from the State for the bridge bond funds. Mr. Swenson also noted the contractors are waiting for the wood railings to arrive from the manufacturer and are expected to arrive in the next week. Once the railings are installed the temporary road will be removed and Anderson Brothers will re-do the approaches. The bridge is estimated to be complete by the end of June. MOTION 06S1-03-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE PARTIAL PAYMENT NO. 2 FOR SAP 18-597-06 SUNRISE ISLAND BRIDGE IN THE AMOUNT OF \$183,255.95. MOTION CARRIED WITH ALL AYES.
  
5. Mr. Anderson addressed the Council regarding a violation of a conditional use permit for Dennis and Lynn Twitty. Mr Anderson noted that the Planning and Zoning Commission approved a CUP for Mr. and Mrs. Twitty in 2010 for a detached garage that had a mid-peak roof height of 19 feet. Part of the conditions placed on the CUP was that the garage would not be used as a guest quarters. The Planning and Zoning staff received a complaint regarding construction activity on a “guest quarters” at the Twitty property and followed up on the complaint on May 2<sup>nd</sup> and 3<sup>rd</sup>. Mr. Anderson reviewed photos taken of the construction in progress and noted the reasons the Twitty’s have violated the CUP is due to the plumbing installed which constitutes a guest quarters. The City is currently operating under the 1989 state rules for guest quarters and the new state rules have no standards for regulating guest quarters.

Dennis Twitty was present and thanked the Council for allowing him to speak at the meeting. Mr. Twitty apologized for any inconvenience that has been caused due to this error. Mr. Twitty provided the Council a brief history of the ways they have tried to be respectful of their neighbors and the environment throughout the process of obtaining the CUP and are continually working within the ordinance requirements for landscaping on their property. Mr. Twitty noted he has never rented his property and has no intentions of renting it. Mrs. Twitty expressed how she is an artist and enjoys anything from painting, to felt work, to quilting. Part of her need as an artist is to have water accessible when she is doing projects. The upstairs garage space has always been intended for personal use for storage and creative artwork. Mr. and Mrs. Twitty presented the Council with a certification from Clement Plumbing that all water lines have been capped and that there is currently no water access to the garage. Mr. Twitty noted his desire to do whatever the Council requests of them. Mayor Schneider noted this issue is timely since the City is currently going through a recodification and the staff is looking at issues such as these where the definition might be vague or subject to interpretation. City Attorney Couri noted the Council could choose to initiate an ordinance amendment relating to guest quarters if they felt the issue needed to be reviewed or changed. Councilmember Taubert noted this seems to be a matter of definition and doesn’t see why the Twitty’s couldn’t use their space as they are

proposing. Mayor Schneider noted the Council doesn't want to mislead the Twitty's but it appears the Council doesn't want to make any exceptions before completing the recodification and seeing what the final outcome is first. The Council questioned the Twitty's need to do anything further and Attorney Couri noted since the water has been disconnected there is no issue at this time. The Twitty's can store anything they want to in the space and are allowed to finish the flooring and trim work. Mr. Anderson noted he will follow-up with a letter stating the stop work order has been lifted per Council direction so long as the water remains disconnected from the garage. MOTION 06S1-04-11 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO TABLE THE CUP VIOLATION FOR DENNIS AND LYNN TWITTY FOR ONE YEAR. MOTION CARRIED WITH ALL AYES.

6. Mayor Schneider noted Pete Abler was in attendance and informed the Council that Mr. Abler has completed his review of the City and County land use ordinance comparison. Mayor Schneider thanked Mr. Abler for his time spent on this project and asked Mr. Abler if he had any comments for the Council. Mr. Abler noted there are many commonalities between the City and County ordinances. In his opinion more of the surrounding City ordinances more closely mirror Crosslake's land use chapter whereas the County's ordinance is focused on unincorporated areas. A major contributor to Crosslake's ordinance being longer than the County's is due to how the performance standards are written for each zoning district. Each zoning district is essentially a stand-alone document. There is a lot of repetition within the performance standards and this would greatly decrease the number of pages if they were to be only stated in one section. Mr. Abler also approximated 30 pages in the City's code that have amendment references. Once those are removed with the recodification and the repetitions are taken out of the performance standards it is estimated the City's code to be within 25 pages of the County's code. Mr. Abler noted the County's code is slightly more readable and each section of the code begins with strategy and policy statements which was helpful in reading. City Administrator Swenson noted the city code should be much more user friendly when the codification is complete as there will be more search features, additional headings, and an index for people to use. The Council thanked Mr. Abler for his time in preparing a report that will assist them in this process.
7. Lonnie Thomas, representing Ox Lake Tavern, was present and addressed the Council regarding Ox Lake Tavern's outstanding zoning violations. Mr. Thomas stated he feels that his clients are being picked on and expressed frustration for not having much notice to prepare for the Council meeting today. Mr. Thomas reviewed some history with the Council on his client's intention of expanding the business when they purchased it but soon thereafter realized that it was not financially feasible to move forward with the expansion. Mr. Thomas expressed an interest in working with the City to resolve these issues and reach some sort of agreement on the list of outstanding violations.

City Administrator Swenson noted his understanding of Mr. Thomas' frustrations due to the short notice but with the potential state shutdown on July 1<sup>st</sup> he felt it was imperative to have Council action on the Ox Lake Tavern's liquor license renewal so the Tavern does not have a lapse in their license. Mr. Swenson noted there needs to be some kind of agreement between the Tavern and the City on what items need to be remedied and which ones are no longer issues and once that is agreed upon the Council can authorize the renewal of the license.

Ken Bazille, Co-Owner of Ox Lake Tavern, was present and stated he feels he has been picked on by the City with these items that he feels are non-issues. When the Tavern was purchased six years ago it was the intent to expand the business to include a full liquor license. Mr. Bazille stated that due to the fact that they never pursued a full liquor license that these violations do not need to be discussed.

Mr. Anderson read an email he sent to Mr. Thomas which noted the City's intent of addressing this issue was to expedite the renewal of the liquor license so there was no lapse in the license. Mr. Anderson reviewed aerial photos of the Tavern to illustrate to the Council the modifications made to the building that were either in violation of the 2005 variance or done without a permit. Mr. Anderson also noted he had a meeting with the owners of the Tavern before the property was purchased to inform them of the restrictions placed on the property so there were no surprises. In reviewing some of the violations it was noted that the Tavern's septic system is near capacity with all four trenches having water in them. The Tavern's septic failed in 2002 and there is a possibility it could happen again due to the size of the tank and the number of seats in the building. The septic system was supposed to be upgraded with the expansion of the kitchen but that improvement was never completed. Mr. Bazille commented that the Tavern has a certificate of compliance dated December 2009 for the septic system and at the end of 2010 they installed a meter to record the gallons of water used per day to ensure they are not exceeding the maximum capacity for their system. Mr. Thomas noted that although changes were made to the exterior of the building there has been no change to the footprint of the customer seating area. Administrator Swenson asked if it was possible to revoke the variance that was approved in 2005 and Attorney Couri noted if any of the variance is used then the property owner has to comply with all of the conditions of the variance and a deviation from that has to go through the public hearing process. Mr. Thomas questioned why the liquor license plays a role in this discussion. Attorney Couri noted that per Section 4.07 of the City Code no license shall be granted or renewed for operation on any premises if there are any outstanding zoning violations. Attorney Couri asked if the Council would agree to review each of the twelve violations and determine which ones should be taken off and which ones should be dealt with, to which the Council agreed.

1. No permit for roofed, screened enclosure on deck – It was the consensus of the Council that this required a permit and since it is after-the-fact there will be a ten times charge of the application fee. [Note: The permit application fee is \$100 and after-the fact would be \$1,000.]

2. Signs installed without permits and in violation of sign standards after repeated notifications were provided to the owners – Mr. Bazille noted the temporary sign that was installed down by the lake was taken down. Mr. Anderson stated there is no fee to obtain a temporary sign permit but the Tavern should get a permit if they want to hang another sign in the future. It was the consensus of the Council that no further action on this item is necessary.
3. Handicapped accessibility improvements were not installed per the City Council approved conditions of Variance 2005-001 – It was the consensus of the Council that no further action of this item is necessary since a ramp and new toilets have been installed.
4. Building addition constructed larger than permitted and for a kitchen use vs. cooler as proposed – It was the consensus of the Council that although the Tavern obtained a permit for the addition it was constructed larger than approved and therefore will be a ten times charge of the application fee. There is no impervious coverage issue as the addition does not exceed the 32% impervious coverage maximum as approved with the 2005 variance. [Note: The application fee was \$100 and the after-the-fact for the violation would be \$1,000.]
5. Deck/stair additions constructed without permits - It was the consensus of the Council that this required a permit and since it is after-the-fact there will be a ten times charge of the application fee. [Note: The permit application fee is \$100 and after-the fact would be \$1,000.]
6. Landscape lights installed without permits and parking lot lighting not installed per the Variance conditions – The Council discussed items 6-9 as a group and it was the consensus of the Council to not require the Tavern to expand their parking lot as required by the 2005 variance. Thus, it was the consensus of the Council that no further action on items 6-9 was necessary.
7. Parking lot not expanded as required – See item 6 above.
8. Landscaping not installed as required – See item 6 above.
9. Stormwater drainage improvements not installed as required – See item 6 above.
10. Trash receptacles not enclosed/fenced as required – Mr. Anderson noted performance standards for waterfront commercial properties require trash receptacles to be fully enclosed. It was the consensus of the Council to require the Tavern to adhere to this condition and obtain the necessary zoning permit prior to the installation of the enclosure.
11. Septic system upgrades and expansion not installed as required – It was the consensus of the Council to not require an expansion of the septic system as required by the 2005 variance but will require the Tavern to submit monthly meter readings throughout the summer so the City can monitor flow levels into the septic system.
12. Numerous, repeated, and ongoing noise complaints have been received by the Police Department, most recently on April 29, 2011 – It was the consensus of the Council that until a noise violation is confirmed through

a decibel meter reading that no violation has been committed and no further action is necessary.

The Council asked Mr. Bazille and Mr. Thomas if they were in agreement with the Council findings on each issue to which they confirmed they were in agreement. Mr. Thomas questioned whether or not the after-the-fact fees could be combined together to minimize the cost for his client and Attorney Couri noted that request will be considered when drafting the agreement. Following discussion of the above items, MOTION 06S1-05-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DEAN SWANSON TO ADOPT RESOLUTION NO. 11-13 FOR RENEWAL OF EXISTING LIQUOR LICENSE ESTABLISHMENT FOR 2011-2012 FOR OX LAKE TAVERN ON THE CONDITION THE OX LAKE TAVERN WILL ENTER INTO AN AGREEMENT WITH THE CITY OF CROSSLAKE TO COMPLY WITH THE REMEDIES ON THE VIOLATIONS AS APPROVED BY THE COUNCIL WITH A COMPLETION DATE ON OR BEFORE NOVEMBER 1, 2011. MOTION CARRIED WITH ALL AYES.

8. City Administrator Swenson stated the staff needed Council direction on a matter of accompanying a property owner to the County to ensure a deed is properly recorded. At the March 2011 regular Council meeting the Council approved a resolution extending approval of metes and bounds subdivision 2007-002 for Raymond C. Gould Revocable Trust so the property owner would not have to reapply for the subdivision and go through the process a second time. The Council put a condition on the approval that a staff member would need to accompany the property owner to the County to ensure the deed was recorded by June 14<sup>th</sup>. Mr. Anderson has been in contact with the attorney for the Gould Trust and Mr. Sandelin does not feel this step is necessary and the City is creating more work for all parties involved. Councilmember Moengen noted he received a call from Mr. Sandelin and is not concerned about the attorney but rather the message the City is sending to the property owner. Attorney Couri noted having the requirement of a city staff person to accompany the property owner to make sure all documents are filed with the County is a good policy to have, especially in today's economic climate. Mr. Couri noted in his experience he has seen cities left to deal with large problems when a developer goes bankrupt and has not filed the correct paperwork. There is no recourse to the city and many times the city is left with making improvements at their own expense and having to deal with a loss of revenue. Following discussion, MOTION 06S1-06-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO ALLOW ATTORNEY PAUL SANDELIN TO RECORD THE DEED PAPERWORK FOR THE RAYMOND C. GOULD REVOCABLE TRUST WITHOUT BEING ACCOMPANIED BY A CITY STAFF MEMBER AND TO SUBMIT THE FINAL PAPERWORK TO THE CITY BY JUNE 14<sup>TH</sup>. MOTION CARRIED WITH ALL AYES.

Mayor Schneider recognized Planning and Zoning Commission Chair Mike Winkels at the meeting and asked if he would like to comment on any of the topics discussed. Mr. Winkels noted his frustration over the Council's leniency with commercial businesses and how easily they dismiss the conditions the Commission puts on property owners. Mr. Winkels noted it becomes a waste of time for the Commission if the Council is not going to uphold the limitations or conditions that are placed on a project and it sends the message that anyone who can outwait the City will end up with what they want in the end. Mr. Winkels stated it's not the City's fault when a business owner does not have a business plan or enough capital to allow for the things that need to be done per the conditions they agreed upon when the Commission approved their application. Mr. Winkels suggested the Council eliminate all commercial violations on the Ad-Hoc Committee's review list since it appears they are not interested in following up on them anyway.

9. Ad-Hoc Committee Approval of the April 28, 2011 Meeting Minutes – MOTION WAS MADE BY JOHN MOENGEN AND SECONDED BY MIKE WINKELS TO APPROVE THE ZONING ISSUES AD-HOC COMMITTEE MEETING MINUTES OF APRIL 28, 2011. MOTION CARRIED WITH ALL AYES.
  
10. City Administrator Swenson noted he just received a message from Ted Strand that there is another location the City could use for allowing residents to dispose of the storm debris and that is next to the sewer plant on Crow Wing Power's land. If the Council agrees with pursuing this option Mr. Swenson noted he would contact Doug Herron at Crow Wing Power to see if they would approve using this location. It was the consensus of the Council to pursue this location for allowing residents to dispose of storm debris until June 13<sup>th</sup> with Crow Wing Power's permission.

It was the consensus of the Council to schedule another Special meeting for Wednesday, June 8<sup>th</sup> at 9:00 A.M. for the purpose of reviewing the recommendations from the Ad-Hoc Committee on the status of various planning and zoning issues.

There being no further discussion, MOTION 06S1-07-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO ADJOURN THE SPECIAL MEETING AT 1:05 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully Submitted,

  
Jennifer Max  
City Clerk/Treasurer

Deputy Clerk/Minutes/6-2-11 Special.doc

**BILLS FOR APPROVAL**  
**June 2, 2011**

<b>VENDORS</b>	<b>DEPT</b>		<b>AMOUNT</b>
Ace Hardware, dawn, ball valve	PW		49.72
Ace Hardware, garden sprayers	PW		21.35
Ace Hardware, floating lantern, hex key	P&R		9.70
Ace Hardware, hardware	PW		16.00
Ace Hardware, batteries	PW		12.28
Ace Hardware, mole trap	P&R		19.76
Ace Hardware, gloves, cement	P&R		14.20
Ace Hardware, key ring	Police		2.34
Ace Hardware, tape, staples	Police		6.93
Ace Hardware, battery	Gov't		3.20
Ace Hardware, irrigation parts	PW		6.71
Ace Hardware, irrigation parts	PW		32.44
Ace Hardware, photo battery	Police		10.68
Ace Hardware, lighter, brush	P&R		9.60
Ace Hardware, cables, clamps	P&R		259.21
Ace Hardware, term spd	P&R		3.20
Ace Hardware, grommets	P&R		32.34
American Tire Distributors, tires	Police		854.47
AW Research, water test	Sewer		131.40
AW Research, coliform test	Sewer		18.00
AW Research, water test	Sewer		131.40
AW Research, water test	Sewer		131.40
Brainerd Medical Clinic, drug test	PW		50.00
Brock White, crackseal	PW		627.82
BSN Sports, roller	P&R		80.13
City of Anoka, dynapac roller and air compressor bids	PW		2,302.00
City of Crosslake, sewer utilities	PW/Gov't		108.00
Clean Team, may cleaning	Gov't	pd 5-13	756.14
Crosslake Auto Body, towing	Police		108.21
Crosslake Communications	ALL		1,648.62
Crosslake Roll Off, recycling	Gov't		2,695.00
Crow Wing Auditor-Treasurer, tif administration	Gov't		200.00
Crow Wing County Highway Dept, fuel	ALL		4,480.15
Crow Wing County Recorder, filing fees	P&Z		92.00
Crow Wing County Recorder, filing fee	P&Z		46.00
Crow Wing County Sheriffs Office, alarm registration	Gov't		50.00
Crow Wing Power, electric service	ALL	pd 5-23	6,005.83
Dacotah Paper, tissue, paper towels	Gov't		274.35
Dolores Anderson, refund aerobics classes	P&R		18.00
ESRI, arc view maintenance	P&Z		405.50
Fire Instruction & Rescue, auto extrication	Fire		400.00
Fire Instruction & Rescue, air management and survival	Fire		600.00
Fire Instruction & Rescue, lp gas emergencies	Fire		650.00
Foreman Fire Service, 5 vehicle inspections and oil changes	Fire		4,411.28
Greg Larson Sports, striping paint	P&R		308.63



**RESOLUTION 11-13  
TO ADOPT FOR RENEWAL EXISTING LIQUOR LICENSE  
ESTABLISHMENT FOR 2011-2012**

WHEREAS, the City of Crosslake does hereby resolve to adopt the Liquor License Renewal of the establishment licensed in 2010-2011 for the licensing year 2011-2012:

**WINE LICENSE- \$100**

Ox Lake Tavern

**OFF SALE (NON-INTOX) - \$25**

Ox Lake Tavern

**SET-UP - \$50**

**CONSUMPTION & DISPLAY**

Ox Lake Tavern

BE IT RESOLVED, that the City Council for the City of Crosslake, Minnesota go on record as renewing the above establishment for liquor/wine/beer licensing for the period of July 1, 2011 – June 30, 2012, at a Special Council Meeting on the 2<sup>nd</sup> day of June, 2011, after all licensing requirements are met both under local Ordinance and under MN State Statutes Chapter 340A, and approval is granted by the Minnesota Department of Public Safety Alcohol and Gambling Enforcement Division.

COUNCIL IN FAVOR – 5

COUNCIL AGAINST - 0



Thomas N. Swenson  
City Administrator



Darrell Schneider  
Mayor