

SPECIAL COUNCIL MEETING
CITY OF CROSSLAKE
FRIDAY, JUNE 4, 2004
9:00 A.M. - CITY HALL

Pursuant to due notice and call, the Council for the City of Crosslake met in a Special Session on Friday, June 4, 2004 at City Hall. The following Councilmember's were present: Mayor Swanson, Dean Eggena, Bettie Miller, and Irene Schultz. Absent was Dick Phillips. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, City Attorney Paul Sandelin, City Engineer Dave Reese and Clerk/Treasurer Darlene Roach. There were approximately ten individuals in the audience.

1. Mayor Swanson called the Special Meeting to order at 9:00 A.M.
2. Approval of Bills for Payment – MOTION 6S1-01-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY BETTIE MILLER TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$39,115.33. MOTION CARRIED WITH ALL AYES.
3. City Engineer Dave Reese/City Attorney Paul Sandelin – Discussion regarding Daggett Pine Road Project and Easements – Park and Recreation Director Jon Henke addressed the Council and presented an overview of the discussion held at the Park and Recreation Commission meeting on Wednesday, June 2nd in regards to this issue. Staff Reports for the Knutson Property and Holden Property based on conversations with the property owners were prepared by City Engineer Dave Reese. The Knutson proposal includes five items for Council consideration.

Mr. Knutson is proposing to deed 37' on the west side of his property and 35' on the east side of his property in exchange for park dedication for future development should he subdivide his property. Mr. Knutson feels this should allow sufficient area to re-build Daggett Pine Road, construct a bike path and manage drainage. The property to be deeded for Park Dedication purposes would consist of approximately 750 feet in length and 15' in width. This would equate to approximately 10,800 square feet, which would be credited towards future park dedication fees. Henke confirmed that, based on the amount of property owned by the Knutson's, the 10,800 square feet should be sufficient to meet the park dedication requirement. If not, the Knutson's would pay the balance owed to the City. Councilmember Bettie Miller asked if a time limit should be established as to when Mr. Knutson would need to subdivide the property. Mayor Swanson asked if the agreement stays with the property or the property owner. Councilmember Eggena felt the agreement should be put on the abstract for a permanent record of the transaction. City Attorney Sandelin agreed that it should be recorded in the deed. Park Director Jon Henke stated that, in his opinion, park dedication can only be used for park purposes, not for drainage, road construction and etc. City Administrator Swenson stated that the City already has an easement from Mr. Knutson and wondered if we were talking about two deeds. Mr. Knutson stated that he is willing to provide the City with 35' on the west and 37' on the east and the City can determine how they want to use the property. Mayor

Swanson asked if the Park Commission opined any part of the proposal and Henke stated that the Commission felt that as little of Red Knutson's property as possible should be used for the bike path with the removal of as few trees as is necessary. Mr. Knutson stated that he is proposing a sixth item dealing with rezoning. Knutson stated he would like to see the east 300' rezoned to R-4. Councilmember Eggena stated that if this was approved, the property facing Egret Road would be residential. This would change the lot size requirement. City Engineer Reese read the second proposal which deals with construction equipment outside of the area proposed to be deeded to the City. Mr. Knutson stated that he would permit construction equipment to enter upon his property where necessary to complete the bike path construction and grading, however disturbed lawn must be restored with grass. Mr. Knutson also requests that the nine existing 6-8' tall pine trees be moved out of the construction area and re-planted within the final property boundaries. It was agreed that Mr. Knutson will mark where the trees should be re-planted and that the City would not guarantee that the trees would survive the move. Additional discussion ensued regarding a compromise on the rezoning where a lot could be created consisting of 30,000 square feet rather than the required 40,000 square feet. Mayor Swanson asked City Attorney Sandelin if this was something the Council could act upon during this meeting. City Attorney Sandelin asked if it was the Council's long-term goal of the R4 zone to have a requirement of 40,000 square feet per lot. City Administrator Swenson felt that as a part of a negotiated acquisition of property, the Council could put in the deed that the property could be rezoned in this area. Councilmember Eggena stated that if sewer is expanded, he wouldn't see a problem with 20,000 square foot lots. Councilmember Schultz asked about multi-dwelling. Community Development Director Anderson stated that R-4 would allow multi-dwelling. Anderson suggested R-4 zoning with two 30,000 square foot lots and a stipulation that no further sub-division could take place. Councilmember Schultz commented that she thought the intent of the Council was to eliminate spot zoning. Councilmember Eggena felt the intersection area should be zoned R-4 and lots further back contain 40,000 square feet. MOTION 06S1-02-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DARRELL SWANSON TO DIRECT THE PLANNING AND ZONING COMMISSION TO CONSIDER A REZONING OF RED KNUTSON'S PROPERTY TO R-4 ON EGRET ROAD AND R-4 ON THE LOTS EAST OF THIS INTERSECTION. Park and Recreation Director Henke commented that he wanted the Council to understand that this was considered previously and not part of the bike trail. MOTION CARRIED 3-0 WITH IRENE SCHULTZ ABSTAINING FROM THE VOTE DUE TO OWNING PROPERTY IN THE VICINITY. (See amended motion listed below)

MOTION 06S1-03-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO ACCEPT THE OFFER FROM RED KNUTSON TO DEED AN EASEMENT TO THE CITY FOR A BIKE BATH 37' ON THE WEST SIDE AND 35' ON THE EAST SIDE, IN EXCHANGE FOR PARK DEDICATION FEE CALCULATED ON 15' WIDTH BY 720' LENGTH WITH LANGUAGE RECORDED ON THE DEED. MOTION CARRIED 4-0.

Community Development Director Anderson requested a clarification on Motion 06S-01-04 as to whether it included both lots. AMENDED MOTION 06S-01-04 WAS MADE BY DEAN EGGENA AND SECONDED BY DARRELL SWANSON TO INCLUDE BOTH LOTS FOR RED KNUTSON. MOTION CARRIED 3-0 WITH COUNCILMEMBER SCHULTZ ABSTAINING FROM THE VOTE.

City Engineer Dave Reese prepared a proposal for the Holden property which was included in the Council packet. Park and Recreation Director Jon Henke stated that the Park Commission also reviewed this proposal at their meeting of June 2nd. Originally the bike path was proposed to loop around the Holden property, but after considerable discussion, the Commission approved a motion recommending that the construction of a bike path run parallel to Daggett Pine Road and if property is needed beyond the 33' that is proposed to be deeded, the additional land needed can be utilized as part of future park dedication for the property. It was agreed, however, that there be some separation for the trail from the roadway. This change would involve a design issue for the City Engineer. At the conclusion of the meeting, both the Commission and Ms. Holden were agreeable to the proposed plan. Councilmember Schultz asked what engineering problem would need to be addressed and City Engineer Reese stated that this change may require some retaining walls or some means of ensuring a stable path for the bike trail. Reese stated that there may also be some drainage issues that will need to be addressed. Based on discussion with the Park Commission, City Administrator Swenson and Park Director Henke it is the recommendation of the City Engineer that the bid opening be extended by addendum to June 25th along with a two-week extension to the completion date. Councilmember Eggena stated that he thinks Ms. Holden is agreeable to whatever filling is needed to engineer this area with a restraint that a catch pond isn't created. Eggena stated that this area is not considered a wetland so the engineers don't have that issue to consider. City Administrator Swenson requested that the City Engineer have the revised design available for the June 14th Regular Council Meeting. MOTION 06S1-04-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO TABLE THE HOLDEN PROPERTY ISSUE TO THE MEETING OF JUNE 14, 2004. MOTION CARRIED WITH ALL AYES.

MOTION 06S1-05-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY BETTIE MILLER TO EXTEND THE BID OPENING ON THE 2004 ROAD PROJECTS TO JUNE 25TH WITH A COMPLETION DATE EXTENSION OF TWO WEEKS. MOTION CARRIED WITH ALL AYES.

City Attorney Paul Sandelin gave an update on the other easements. Sandelin stated that the Lutheran Church and Homestead have signed easements. Other property owners were mailed easements and his Staff is contacting the various property owners to set up appointments to meet with the property owners. City Attorney Sandelin will give an update at the June 14th meeting.

The property that the City is acquiring from Eric Johnson on a contract for deed requires an easement from Eric Johnson since he is the fee owner. It is the recommendation of City Administrator Swenson and Park Director Henke, that

sufficient funds are available in the Park Dedication Fee Account, to pay off the contract for deed eliminating the need for the easement. MOTION 06S1-06-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO APPROVE PAYING OFF THE CONTRACT FOR DEED WITH ERIC JOHNSON ON THE PARK PROPERTY. MOTION CARRIED WITH ALL AYES.

Public Works Director Ted Strand requested approval to declare the fuel tanks at the site of the old Public Works Garage as surplus property. Councilmember Eggena asked if there was any other public facility that could use the tanks. With the new fueling system at the Joint Public Works Facility it was agreed that with the risk of vandalism and oil spills, keeping the tanks would not be advisable. MOTION 06S1-07-04 WAS MADE BY DEAN EGGENA AND SECONDED BY BETTIE MILLER TO DECLARE THE OIL TANKS AT THE OLD PUBLIC WORKS FACILITY AS SURPLUS EQUIPMENT AND TO DISPOSE OF THE TANKS THROUGH SEALED BIDS. MOTION CARRIED WITH ALL AYES.

Community Development Director Ken Anderson presented recommendations from the Planning and Zoning Commission that require Council consideration and action.

MOTION 06S1-08-04 WAS MADE BY BETTIE MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION TO APPROVE ORDINANCE AMENDMENT NO. 194 AMENDING CHAPTER 8, SECTION 8.36 OF THE CITY CODE REGARDING LIMITED COMMERCIAL PROPERTY USES AND TO APPROVE PUBLISHING A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES.

MOTION 06S1-09-04 WAS MADE BY BETTIE MILLER AND SECONDED BY IRENE SCHULTZ TO APPROVE THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION TO APPROVE ORDINANCE AMENDMENT NO. 194 AMENDING CHAPTER 8, SECTION 8.37 OF THE CITY CODE REGARDING COMMERCIAL PROPERTY USES AND TO APPROVE PUBLISHING A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES.

MOTION 06S1-10-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY BETTIE MILLER TO APPROVE THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION TO APPROVE ORDINANCE AMENDMENT NO. 194 AMENDING CHAPTER 8, SECTION 8.40 OF THE CITY CODE REGARDING PROPERTY USES IN THE INDUSTRIAL ZONE AND TO APPROVE PUBLISHING A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES.

MOTION 06S1-11-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY BETTIE MILLER TO APPROVE ORDINANCE AMENDMENT NO. 195 DEALING WITH ADULT USES IN THE INDUSTRIAL AREA AS A

CONDITIONAL USE PERMIT AND TO PUBLISH A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES.

Regarding the use of pre-existing lots, the Planning and Zoning Commission made a recommendation to the Council and City Surveyor Jeff Miller has reviewed the proposed amendment. City Attorney Paul Sandelin has suggested that this issue be reviewed at a regular meeting due to changes that may be coming from the League as a result of Legislation being worked on related to this issue. Community Development Director Anderson did comment on the Addington situation and stated that if the Ordinance Amendment is not approved by August, there is a very short turn around for construction. Mayor Swanson asked what we were waiting for from the League and City Attorney Sandelin stated an explanation of "non-conforming structure versus non-conforming use". Discussion ensued regarding the interpretation of structure versus use. Anderson also felt the proposed change may be a concern of the DNR's and requested that they be allowed to comment on the proposed change. Councilmember Eggena stated that he is opposed to this. The City self governs and if the DNR has a problem with the City's decisions, they can object and follow the legal process to challenge the decision. Eggena stated that we are the elected officials and we make the decisions. Anderson stated that he believes we are required under our Ordinance as well as under State Statute to notify the DNR and wouldn't want this detail to be a problem for the City. Councilmember Eggena suggested sending the DNR a copy of the Ordinance Amendment after the fact. He felt the DNR should have been represented at the public hearing based on the City having published the Public Hearing Notice. Anderson stated that his only comment is that he does not know if the DNR was notified in writing of the public hearing and wanted to disclose this information to the Council. Councilmember Schultz asked if the proposed change also applies to accessory structures. The proposed ordinance amendment only pertains to additions to non-conforming structures to the main residence and does not apply to garages, boathouses or any other accessory structure. A question arose as to whether a property owner could rebuild by removing 50% of the existing structure and Anderson stated that this is addressed in a different section of the Ordinance and not a part of this amendment. City Attorney Sandelin agreed that a public hearing would need to be held by the Planning and Zoning Commission before any action on this could be taken. There was some discussion at the Planning and Zoning level as to whether the City would require a survey or whether identification of the property line would be sufficient. The proposed language in this section was not changed. After discussion, wording changes were made to Subd.4, B under Additions to Nonconforming Structures to read "and said addition does not encroach any further upon the existing structure setbacks from the OHWL". Inspection of footing forms is also included in the Ordinance Amendment. MOTION 06S1-12-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO ADOPT ORDINANCE AMENDMENT NO. 196 DEALING WITH PRE-EXISTING LOTS INCLUDING THE RECOMMENDATIONS BY THE PLANNING AND ZONING COMMISSION AND COUNCIL AND TO INCLUDE PUBLICATION OF A SUMMARY OF SAID ORDINANCE AMENDMENT. MOTION CARRIED WITH ALL AYES.

Attorney Sandelin was requested to give a legal opinion on whether the PUD Moratorium affected Sundance Ridge, Inc. from completing the additional two buildings proposed in their preliminary plat. Sandelin stated that he does not think the Council will be able to prevent them from proceeding due to the Developer's Agreement and other action previously taken by the Council, however a final position will be given at the June 14th Regular Council meeting. Councilmember Eggena directed City Attorney Sandelin to explicitly detail the sequence of events to the League prior to any legal opinion being rendered by the League.

The Council was informed that there is an agreement in place for public use of the City's Digital Mapping information and no action by the Council was required. A request for this information has been received by the City.

Community Development Director Anderson stated that the Council has gone through a very labored process reviewing and approving the Ordinance Amendments for the Commercial and Limited Commercial District. Now the task will be to review the Downtown District and the Waterfront District. Anderson asked the Council for direction in these areas. Anderson informed the Council that Crosswoods Development is proposing a band shell and clock tower in addition to two additional buildings in the Downtown District. MOTION 06S1-13-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO DIRECT THE PLANNING AND ZONING COMMISSION TO LOOK AT THE DOWNTOWN BUSINESS DISTRICT AND WATERFRONT DISTRICT AS THEY PERTAIN TO CUP'S. MOTION CARRIED WITH ALL AYES.

MOTION 06S1-14-04 WAS MADE BY DEAN EGGENA AND SECONDED BY BETTIE MILLER TO ADJOURN THIS SPECIAL COUNCIL MEETING AT 11:20 A.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach
Clerk/Treasurer

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BILLS FOR APPROVAL

4-Jun-04

VENDORS	DEPT	AMOUNT
Ace Hardware, cabinet drawer	P&R	13.83
Ace Hardware, propane	P&R	11.69
Ace Hardware, plunger, brace, screws	P&R	24.29
Ace Hardware, keys	PW	10.36
Ace Hardware, reflective letters, pliers, wrench, screwdriver	PW	114.66
Ace Hardware, lockwash, screws	PW	7.91
Ace Hardware, ballast	P&R	29.81
Ace Hardware, keys, screwdriver, hexkey	PW	47.36
Ace Hardware, keys	P&R	12.30
Ace Hardware, fuses	Fire	9.62
Ace Hardware, absorbent oil	Fire	5.09
Ace Hardware, basket, shovel, caster plates, mask	P&R	43.80
Ace Hardware, caddy, grease gun, propane, cord	PW	150.97
Ace Hardware, tape, rope, battery, soap, outlet	PW	49.96
Ace Industrial Supply, drill bit set, shears	PW	125.70
Anderson Brothers, sweeping streets	PW	1,274.00
Anderson Brothers, cold mix	PW	81.57
Andy Anderson, 1st quarter p and z meetings	P&Z	50.00
Black Diamond Tree Service, tree removal and stump grinding	PW	426.00
Brandanger Office Supply, calculator	PW	20.21
Brandanger Office Supply, name plate	Gov't	13.83
Cascade Computers, setup new systems	P&Z	285.34
Cellular One, cell phone charges	Police	205.35
Chief Supply, res q rench	Fire	198.91
Crosslake Communications, phone, fax, internet, cable	ALL	1,118.59
Crosslake Fire Relief Assn, city contribution	Fire	13,177.08
Crosslake Polaris, saw chains	P&R	18.05
Crosslake Polaris, wrench	P&R	5.33
Crosslake Polaris, trimmer line	PW	11.18
Crosslake Rolloff, recycling	Gov't	2,450.00
Crow Wing County Highway Department, fuel	ALL	1,628.59
Crow Wing County Treasurer, half section maps	P&Z	100.00
Crow Wing Power, electric service	ALL	2,302.46
Dacotah Paper, battery, air dispenser	P&R	177.81
Dick Dietz, 1st quarter p and z meetings	P&Z	75.00
Echo Publishing, envelopes	P&R	45.42
Echo Publishing, p and z notice	P&Z	87.50
Echo Publishing, ordinance 193	Admin	25.00
Gerry Leinfelder, 1st quarter p and z meetings	P&Z	50.00
Global Equipment, cylinder lock	PW	280.29
Global Equipment, workbench, stool	PW	418.71
Global Equipment, plastic bench top	PW	171.95
Greg Larson Sports, baseball diamond	P&R	86.75
Hawkins Water Treatment, aluminum liquid sulfata	Sewer	535.96
Holiday Station, oil	Fire	25.66

