

SPECIAL COUNCIL MEETING  
CITY OF CROSSLAKE  
WEDNESDAY, JUNE 8, 2011  
9:00 A.M. – CITY HALL

The Council for the City of Crosslake met in the Council Chambers of City Hall on Wednesday, June 8, 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 and Ad-Hoc Committee Members Mike Winkels and Nancy Addington. There were approximately six people in the audience.

1. Mayor Schneider called the Special Meeting to order at 9:00 A.M. It was the consensus of the Council to keep the meeting between two to three hours, ending no later than noon.
  
2. Mr. Anderson noted the Council packets include recommendations from the Ad-Hoc Committee from their March and April meetings. Mr. Anderson stated that in reviewing the list of outstanding zoning violations, the Ad-Hoc Committee developed a classification system that could then be applied to each item. The categories consisted of: 1.) Give a warning with a nice letter, 2.) Enforcement, 3.) Delete, Ignore, or Remove, 4.) Gather more information, and 5.) Return to the Planning and Zoning Commission for discussion. Councilmember Moengen noted that the City tends to lose grip on issues that don't get resolved and that the Council may need to set a timeline and process for getting these issues resolved in a timelier manner going forward. Mr. Anderson stated in May of 2006 the Planning and Zoning Commission adopted a complaint policy which was designed to be variable in nature depending on the issue. It was the consensus of the Council that the complaint policy needed to be reviewed further but that it was not something that would be reviewed at this meeting.

The Council reviewed each item in the first category of Septic System Violations:

- 1.) Travis Septic – The City Attorney has begun the process of enforcement but the property owner lives in California, has not received mailed notices of violations, and has not been served to date.
- 2.) Mahoney Septic – The City Attorney has begun the process of enforcement but the property owner is currently in bankruptcy.
- 3.) Quade Septic – The City Attorney has begun the process of enforcement. The property owner obtained a loan and will be installing a new septic system in 2011.
- 4.) Miller Septic – The City Attorney has begun the process of enforcement and the property owner responded. Mr. Miller obtained a septic permit and will be installing a new septic system in the spring of 2011.
- 5.) Whiteis - The City Attorney has begun the process of enforcement but the property owner is currently in bankruptcy.

Councilmember Moengen questioned what the next steps were in getting these issues resolved and Mr. Anderson noted a zoning permit is valid for 12 months and that is the timeframe to get the work completed. Councilmember Moengen suggested the staff be proactive in this process and to make a few courtesy calls to the property owners to make sure there are no problems or anything that can be done to help get things corrected. Councilmember Swanson noted the staff did a good job in identifying 44 failing septic systems within the City and getting all but five resolved. Following discussion on the five outstanding septic system violations, MOTION 06S2-01-11 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO MOVE FORWARD AND CONTINUE TO PURSUE ENFORCEMENT OF THE NONCOMPLIANT SEPTIC SYSTEMS AS RECOMMENDED BY THE AD-HOC COMMITTEE. MOTION CARRIED WITH ALL AYES.

The Council next reviewed each item in the next category of Commercial Violations:

- 1.) American Legion parking lot – Mr. Anderson noted the American Legion purchased a lot next to their property and uses the lot for overflow parking. The ordinance reads that the lot should be paved and that has not been completed to date. Mr. Anderson noted the Ad-Hoc Committee's opinion is that the overflow lot is good to have so there are less people parking on the street. MOTION 06S2-02-11 WAS MADE BY RUSTY TAUBERT AND SECONDED BY DEAN SWANSON TO WAIVE THE REQUIREMENT TO FURTHER PAVE THE OVERFLOW PARKING AREA FOR THE AMERICAN LEGION POST 500 FOR THE FOLLOWING REASONS: 1.) THE PARKING LOT IS USED SEASONALLY (ONLY DURING THE BUSY SUMMER MONTHS), 2.) THE USE OF THE OVERFLOW PARKING LOT WILL PROMOTE PUBLIC SAFETY BY AVOIDING OVERFLOW PARKING WITHIN THE COUNTY ROAD 3 RIGHT-OF-WAY, 3.) THE ACTUAL USE OF THE AREA FOR PARKING IS ONLY WHEN OVERFLOW PARKING IS NEEDED AT TIMES WHEN THE REST OF THE LOT IS FULLY OCCUPIED, AND 4.) THE OVERFLOW PARKING AREA IS ON A SEPARATE LOT OF RECORD WHICH DOES NOT EXCEED THE IMPERVIOUS COVERAGE MAXIMUM OF FIFTY PERCENT IN THE LIMITED COMMERCIAL ZONING DISTRICT. MOTION CARRIED WITH ALL AYES.
- 2.) Xtreme Storage – The Planning and Zoning Commission issued a CUP in 2006 for multiple building of which two buildings have been constructed. There are various problems with this property including improper lighting, lack of security gate, nonconforming signs and landscaping issues. Mr. Anderson noted the time limit for a CUP is two years but the property owner wanted to work on the project in phases, which is why it has taken a lot longer. Councilmember Moengen commented that maybe some concessions could be made with the property owners on what needs to be

done and what can be let go. Mr. Winkels noted the Commission made a lot of concessions to begin with and the storage units that were sold were assumed to have a security gate which was never put in place. Mr. Winkels also noted that leaving the CUP with an open-ended date was an error made by the Commission. Mr. Anderson stated the only item that was left open ended was the expiration of the CUP since the owners wished to have a phased build-out of their storage units. They do not have any latitude to contradict the rest of the CUP requirements. MOTION 06S2-03-11 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO AUTHORIZE THE STAFF AND PLANNING AND ZONING COMMISSION LIAISON TO APPROACH THE PROPERTY OWNER TO SEEK COMPLIANCE WITH THE CONDITIONS OF THE CONDITIONAL USE PERMIT WITHIN 30 DAYS. IF FULL COMPLIANCE IS NOT ACHIEVED, THEN A WRITTEN NOTICE SHALL BE SENT ALLOWING ANOTHER 30 DAYS TO COMPLETE THE OUTSTANDING MATTERS. IF FULL COMPLIANCE IS NOT MET, THEN THE MATTER SHALL BE REFERRED DIRECTLY TO THE CITY COUNCIL FOR FURTHER ACTION. MOTION CARRIED WITH ALL AYES.

- 3.) Whitefish Lodge and Suites – Mr. Anderson noted various issues with this property including lack of dumpster enclosure, handicapped accessibility issues and a nonconforming sign. The Lodge installed a handicap ramp without a permit and it was not built to the required specifications. The large sign at the corner of the parking lot was also not constructed as shown in the plans that were submitted and does not meet the minimum 5 foot setback. Mr. Anderson noted responsibility for compliance for an improper handicap accessibility ramp lies with the City if the City has not adopted the State Building Code. MOTION 06S2-04-11 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO RECOMMEND THAT STAFF AND THE PLANNING AND ZONING LIAISON FROM THE CITY COUNCIL APPROACH THE PROPERTY OWNER TO VERBALLY REQUEST THEY RESPOND TO THE NONCOMPLIANCE ISSUES WITHIN 30 DAYS. IF FULL COMPLIANCE IS NOT ACHIEVED, THEN A WRITTEN NOTICE SHALL BE SENT ALLOWING ANOTHER 30 DAYS TO COMPLETE THE OUTSTANDING MATTERS. IF FULL COMPLIANCE IS NOT MET, THEN THE MATTER SHALL BE REFERRED DIRECTLY TO THE CITY COUNCIL FOR FURTHER ACTION. MOTION CARRIED WITH ALL AYES.
- 4.) Al's Marine – Mr. Anderson stated a complaint was received regarding wall pack lights. MOTION 06S2-05-11 WAS MADE BY STEVE ROE AND SECONDED BY JOHN MOENGEN TO DIRECT STAFF TO SEND AL'S MARINE A LETTER REGARDING THE WALL PACK LIGHT VIOLATION AND REQUIRE THE PROBLEM BE RESOLVED WITHIN 30 DAYS. MOTION CARRIED WITH ALL AYES.

- 5.) Crosswoods Development – Mr. Anderson said that Crosswoods Development needs to replace a missing Corps of Engineers sign on CSAH 3. The Corps has ordered a new sign and is waiting for the County to install it. MOTION 06S2-06-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO REMOVE THIS ITEM FROM THE LIST AS IT REQUIRES NO FURTHER ACTION BY THE CITY. MOTION CARRIED WITH ALL AYES.
- 6.) Sign Ordinance Amendment Letters – Mr. Anderson noted the Sign Committee imposed a December 1, 2010 deadline to have lighting for all signs converted from upward lighting to downward lighting. Mr. Anderson expressed his opinion that existing lights at the time of the ordinance amendment were grandfathered and commented that a letter could be sent to recommend property owners voluntarily change their signs if they choose to do so but that they are not legally required to change anything. Councilmember Moengen noted this is a gray area and would like to see this removed from the list. Staff can deal with any future complaints that come in on a case by case basis. MOTION 06S2-07-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY DARRELL SCHNEIDER TO CONSIDER ALL EXISTING UPWARD LIT SIGNS AS GRANDFATHERED AND ANY FUTURE COMPLAINTS RECEIVED WILL BE DEALT WITH ON A CASE BY CASE BASIS BY USING THE LIGHT METER AND MEASURING THE FOOT CANDLES AT THE PROPERTY LINE. MOTION PASSED 3:2 WITH COUNCILMEMBERS ROE AND TAUBERT OPPOSED.

Councilmember Taubert commented that in his opinion the Ad-Hoc Committee has spent the time to review each item in detail and sees no point in discussing it again. They appear to be making sound decisions on what steps need to be taken for each violation and would like to see the Council move forward.

- 7.) Pineberry Plaza – No trash enclosure has been installed as required. Ad-Hoc Committee recommendation: 1.
- 8.) Zorbaz – Property has various issues including an expired zoning permit for a fence, sign violations, and handicap parking/signs. Ad-Hoc Committee recommendation: 1.
- 9.) Hair After – Issues with the property include noncompliant signs, garbage behind garage and erosion control for runoff directed to vacant lot to the north. Ad-Hoc Committee recommendation: 4.
- 10.) Scott and Jean Maas – Enforcement letter was sent to the property owners in 2009 to complete a landscaping plan, parking lot striping, and to remove a nonconforming accessory building and handicapped signs. In April 2011 the property owner indicated he would install the landscaping to avoid costly enforcement action. A few items have been corrected. Ad-Hoc Committee recommendation: 3, with follow-up.
- 11.) Rod and Sheila Lewis – Property’s impervious coverage is approximately 65% which exceeds the impervious coverage maximum of 50%. Staff is

- waiting for information and site plan showing proposal for reductions from the property owner. Ad-Hoc Committee recommendation: 2.
- 12.) Sydney Holdings - Property's impervious coverage is approximately 79% which exceeds the impervious coverage maximum of 50%. Staff received a letter from the property owners objecting to the needs to reduce the impervious coverage due to the amount of time that has elapsed. Ad-Hoc Committee recommendation: 2.
- 13.) Ox Lake Tavern – Staff is working with Ox Tavern and Lonnie Thomas on corrective actions. Ad-Hoc Committee recommendation: 2.
- 14.) Little Yukon Property – Property has a carport with flexible sided walls which were prohibited and also has a nonconforming sign. Property owner needs to be advised to remove nonconformities or be subject to enforcement action. Ad-Hoc Committee recommendation: 1.
- 15.) Reed's Market – Wall pack and pole lighting is not downward directed or shielded. An ice cream stand was installed without a zoning permit. There are also multiple freestanding signs and the ordinance only allows one. The Ad-Hoc Committee did not have a formal recommendation.

MOTION 06S2-08-11 WAS MADE BY RUSTY TAUBERT AND SECONDED BY JOHN MOENGEN TO APPROVE THE RECOMMENDATIONS AS MADE BY THE AD-HOC COMMITTEE FOR COMMERCIAL VIOLATIONS #7-15 AS PRESENTED. MOTION CARRIED WITH ALL AYES.

- 16.) Exchange – Mr. Anderson noted the Exchange sign has been abandoned and has not been removed. MOTION 06S2-09-11 WAS MADE BY STEVE ROE AND SECONDED BY JOHN MOENGEN TO REMOVE THIS ITEM FROM THE LIST OF VIOLATIONS. MOTION CARRIED WITH ALL AYES.
- 17.) Xtreme Detail and Car Wash – Mr. Anderson stated there are temporary signs installed without a permit and removal of those signs has been requested of the property owner. A dog grooming business has moved into the existing building in contradiction with the approved conditional use permit. The ditch is also plugged with fine soils causing water to back-up into the ditch. Administrator Swenson asked what the Council's view was that the property owner was in direct violation of their CUP. Councilmember Swanson commented the property owners are pushing the limit and they should have to follow the CUP exactly as approved. Mayor Schneider commented that this issue is a good example of the kinds of things the Planning and Zoning Department has to deal with and the Council is getting a better understanding of the issues they work through on a daily basis. MOTION 06S2-10-11 WAS MADE BY STEVE ROE AND SECONDED BY DEAN SWANSON TO DIRECT STAFF TO SEND A LETTER SIGNED BY THE MAYOR TO XTREME DETAIL AND CAR WASH TO NOTIFY THEM THEY ARE IN VIOLATION OF THEIR CONDITIONAL USE PERMIT AND THAT THE VIOLATIONS SHOULD BE CORRECTED. MOTION CARRIED WITH ALL AYES.

Mr. Anderson addressed a complaint that has been received regarding Whitefish Log Works. The Council recently passed an ordinance amendment related to outdoor wood burners. A neighboring property owner next to Whitefish Log Works has complained about excessive smoke from an outdoor wood burner and Mr. Anderson suggested he would like to contact the business owner Mr. Johnson, request that he add some stack height and, if he is burning any wet wood, to only burn dry wood by-products that will burn cleaner with much less smoke. Councilmember Moengen agreed that a site visit would be a good start to see what the situation is and if there are any options to help alleviate the smoke issue on the neighboring property.

The Council next reviewed each item in the next category of Violations under Residential:

- 1.) Gerald Peterson, 12564 Manhattan Pt. Blvd. – Mr. Anderson noted a complaint was received regarding a security light at this property. MOTION 06S2-11-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO REMOVE THIS VIOLATION FROM THE LIST DUE TO ONLY ONE COMPLAINT RECEIVED. MOTION CARRIED WITH ALL AYES.
- 2.) Team Properties, Inc., 38277 Rush Lane – Property owner has nonconforming lights on posts at lakes edge. Mr. Anderson verbally advised the property owner of the issue on May 2011 and will follow-up to see if corrections were made. No Council action was taken.
- 3.) Lawrence Wegler, 12145 County Road 16 – Mr. Anderson noted there is a concern that a commercial tree-trimming business is operating in a residentially zoned property. MOTION 06S2-12-11 WAS MADE BY DEAN SWANSON AND SECONDED BY RUSTY TAUBERT TO REMOVE THIS VIOLATION FROM THE LIST DUE TO NO COMPLAINTS RECEIVED AND NO OTHER CORRESPONDING ISSUES ARISING BECAUSE OF IT. MOTION CARRIED WITH ALL AYES.
- 4.) Robin Haglund, 35630 West Shore Drive – Mr. Anderson stated the property owner has various driveway and septic issues including paving a driveway over a septic drain field, covering septic tank inspection pipes, deck size exceeding variance approval, and landscaping nonconformities. It was the consensus of the Council to have staff follow-up with the property owner on these violations and report back to the Council if no corrective actions are made.
- 5.) Weller Trust, 36007 County Road 3 – Mr. Anderson noted there is property clean-up and abandoned vehicle issues. The Council took no action on this item.
- 6.) Gerald Windschitl, 33719 Anderson Court – The property owner has patio and impervious coverage nonconformities. Attorney Couri was previously instructed to proceed with enforcement action against Mr. Windschitl. It

was the consensus of the Council to proceed with legal enforcement on this item.

- 7.) Bob Carlson, 38323 Rush Lane – An enforcement letter was sent to Mr. Carlson regarding removal of an un-permitted patio and hot tub from the bluff impact zone. Mr. Anderson said that Mr. Carlson removed the structure in the fall of 2010. Mr. Anderson would like to follow-up on this item to evaluate if there are any erosion issues. It was the consensus of the Council to remove this violation from the list as the property owner complied with the enforcement letter that was sent.
- 8.) Tom Smith, 37261 Twin Bay Drive – Mr. Anderson stated the property has an un-permitted patio, drainage issues and guest quarters. Staff has met with the property owner and if no corrections were made by May 2011 the Planning and Zoning Commission would review the status and recommend the next steps to the Council. No action was taken by the Council.
- 9.) The Council did not discuss item #9.
- 10.) The Council did not discuss item #10.
- 11.) The Council did not discuss item #11.
- 12.) John Alexander, 33578 Lake Street – Mr. Anderson noted this property has been unfinished for over 10 years. A petition has previously been submitted by neighboring property owners asking for the City to help compel the property owner to complete the exterior of the house due to aesthetic and safety reasons. Councilmember Roe said that the City has gotten a lot of excuses from Mr. Alexander and that he has been given ample time to remedy this problem. Mayor Schneider noted that if the Council wants to be taken seriously there needs to be some follow-through on enforcement. Councilmember Moengen noted that he would like to see the staff contact Mr. Alexander and set a timeline for completion of these items, and if the timeline is not adhered to then the Council can proceed with enforcement. It was the consensus of the Council to direct staff to discuss this matter further with the City Attorney and set a timeline of steps to get this issue resolved with Mr. Alexander.

The Council directed Mr. Anderson to modify the violations list to remove the items that have been addressed at the meeting and for Mr. Anderson to review the remainder of the list for items that do not need Council action at this time. The Council set another meeting date of June 29, 2011 at 9:00 A.M. to continue working through these violations.

There being no further discussion, MOTION 06S2-13-11 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO ADJOURN THE SPECIAL MEETING AT 12:07 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully Submitted,



Jennifer Max  
City Clerk/Treasurer

Deputy Clerk/Minutes/6-8-11 Special.doc