

SPECIAL COUNCIL MEETING
CITY OF CROSSLAKE
JUNE 26, 2001
9:00A.M. – CITY HALL

The Council for the City of Crosslake met at Crosslake Communications on Tuesday, June 26, 2001 at 9:00 A.M. The following Councilmembers were present: Mayor Darrell Swanson, Sandy Eliason, Chuck Miller, Irene Schultz and Dean Swanson. Also present was City Administrator Thomas Swenson, City Attorney Paul Sandelin, Community Development Director Paul Larson and Clerk/Treasurer Darlene Roach. Also present was Steve Peterson, David Landecker of Landecker & Associates and Attorney Lonny Thomas.

1. Mayor Swanson called the Special Meeting to order at 9:20 A.M.

2. Rezoning 01-06 for Wild Wind Ranch Estates – Community Development Director Paul Larson stated that Steve Peterson of Lobo Properties, LLC. has requested a zoning change from RR, Rural Residential to R-1, Low Density Residential for land described as proposed Block One, Lots 1 through 6; and Block Two, Lots 1 through 4 in Section 32, Township 137 North, Range 27 West. The proposed development site is mostly level with an existing house and equestrian stables, pastures and riding areas. Outside of the equestrian areas, the site is wooded. The zoning change is necessary to plat the land at the 40,000 square feet minimum lot site. The current RR, Rural Residential, zoning classification requires a 5 acre minimum lot size. The applicant is also requesting Preliminary Plat approval for Wild Wind Ranch Estates. The plat includes 46.45 acres, consisting of eleven residential lots and two outlots. The outlots will be used as common greenspace, predominantly for equestrian stables and riding trails. Information from the State Archaeologist Office shows former human burial mounds located on the site. The mounds are referred to as part of the Gordon-Schaust Mounds and have been disturbed to the point that they are no longer visible. State Archaeologist Mark Dudzik has visited the site of the proposed Wild Wind project and in a letter dated June 25, 2001 detailed steps that the developer needs to take to protect the burial mounds. David Landecker and Steve Peterson stated that they will comply with the requirements outlined by the Office of the State Archaeologist. One of these requirements is to record the mounds on the plat. Discussion ensued regarding the type of fencing that the developer can use and still be in compliance with the State Archaeologist's request. Councilmember Swanson inquired as to the density of horses for the area. Steve Peterson stated that he has had up to thirty horses on the site with adequate area. Community Development Director Paul Larson noted that the Ordinance requires 1.4 acres per horse and that the proposed area will adequately handle this requirement. Councilmember Swanson also inquired if there would be boarding of horses for individuals not living on the property. In a letter dated June 25, 2001 from Attorney James Gammello, the covenants will include language which addresses the equestrian services. The residential lots will

purchase the equestrian services available on a preferred basis and will be given priority to use the barns and facilities. Any openings in the stable will be offered to individuals not living on the property. City Administrator Swenson asked if there would be horse shows on the property where possibly more than thirty horses would be on site. Steve Peterson stated that there will be some small shows but no more than what has occurred in the past. Paul Larson stated that the Ordinance refers only to the amount of area required for boarding of animals which would mean on site overnight. This would not be the case for horse shows. There was some discussion regarding the road that the developer is proposing. At a meeting of the Public Works Commission on June 18, 2001, the Commission recommended approval for the proposed private road design for "Wild Wind Ranch Drive" since it meets or exceeds minimum City road standards. The road will be a private street and not maintained by the City. The applicant has requested approval to proceed with the construction of the road and a dwelling if the rezoning and preliminary plat are approved by the Council. It was the consensus of the Council that the developer could proceed as long as permits are obtained prior to construction. The rezoning request and preliminary plat for Wild Wind Ranch Estates was reviewed by the Planning and Zoning Commission at a meeting held on June 15, 2001. The Commission recommended approval on both requests. MOTION 06S-01-01 WAS MADE BY IRENE SCHULTZ AND SECONDED BY SANDY ELIASON TO APPROVE REZONING 01-06 FOR PROPOSED BLOCK ONE, LOTS 1 THROUGH 6 AND BLOCK TWO, LOTS 1 THROUGH 4 FOR WILD WIND RANCH ESTATES FROM RURAL RESIDENTIAL (RR) TO LOW DENSITY RESIDENTIAL (R-1). MOTION CARRIED WITH ALL AYES.

Based on findings of fact, the Planning and Zoning Staff recommends Preliminary Plat approval with the following conditions: 1.) All of the fees are paid to the City prior to signing of the Final Plat, 2.) City Attorney approval on the Title Opinion for the plat; 3.) The proposed private road is constructed to City standards and approved by the Public Works Commission with recommendations from the City Engineer, 4.) Best Management Practices are used during and after construction to prevent erosion, 5.) The road shall remain in private ownership and be privately maintained with no obligation to the City, 6.) A maximum of 33 horses may be permitted on the property per ordinance requirements, 7.) The City Attorney approves the Covenants and Association Documents, 8.) If the Association ever intends to dedicate the private road to the City then, at that time, the road will have to be constructed by the Association extending the length from the proposed cul-de-sac to the east property line with no obligation from the City, 9.) No construction, trail development, routing of utility lines or other ground-disturbing activities should occur within at least 20 feet of the base of the "Gordon Ancient Embankments", 10.) A permanent fence shall be installed at a setback of 20 feet from the base of the mounds, 11.) A 20 foot buffer around the mounds must be fenced during construction with temporary fencing to provide a visual and physical barrier to inadvertent impact during site development, 12.) No vegetation or stump removal is permitted within the designated mound area, and

13.) the mounds shall be mapped and added to the parcel's plat, referenced in any deeds or abstracts for the property with reference to their protection under provisions of MS 307.08 or subsequent revisions.

There being no further discussion on the request for Preliminary Plat approval, MOTION 06S1-02-01 WAS MADE BY IRENE SCHULTZ AND SECONDED BY CHUCK MILLER TO APPROVE PRELIMINARY PLAT 01-02 FOR WILD WIND RANCH ESTATES WITH THE STAFF RECOMMENDATIONS AND INCLUDING THE FOUR RECOMMENDATIONS AS IDENTIFIED IN A JUNE 25, 2001 LETTER FROM THE OFFICE OF THE STATE ARCHAEOLOGIST. David Landecker inquired as to whether the Developer could utilize a split rail type fence and it was the consensus of the Council that a split rail fence could be used. MOTION CARRIED WITH ALL AYES.

3. Seekers' Off Sale Liquor License - Clerk Roach reviewed documentation received from Michael and Sharon Seeker of Seeker's Cedar Chest, Inc. requesting a dba name change for their Off Sale Liquor Store from Seeker's Cedar Chest to MJM Wine & Liquors, Inc. All necessary paperwork was provided to the City including: 1.) Application for Off Sale Intoxicating Liquor License, 2.) Certification of Compliance for Workers' Compensation, 3.) License Applicant Information, 4.) Minnesota Secretary of State Certificate of Assumed Name, 5.) Property Taxes Form, and 6.) Certificate of Liability Insurance. Attorney Lonny Thomas was present to represent the Seekers'. Councilmember Miller expressed his disappointment in the applicant's not having provided the dba information to the Council during the liquor license renewal process. The Council also expressed concern with the applicant's use of the new name prior to having received approval from the Council. Attorney Thomas stated that he was brought in after the fact by the Seekers' to ensure that all necessary documentation was provided to the Council. Councilmember Miller asked Attorney Thomas to express the Council's disappointment to the Seeker's. MOTION 06S1-03-01 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO APPROVE THE LIQUOR LICENSE APPLICATION REQUEST CHANGING THE DBA TO MJM WINE & LIQUORS, INC. AS SUBMITTED BY THE LICENSEE SEEKER'S CEDAR CHEST INC. MOTION CARRIED WITH ALL AYES.
4. A letter dated June 19, 2001 from the League of Minnesota Cities regarding the Potential State Budget Shutdown was included for Council information.
5. Carryover of Compensatory Time – Public Works Director Ted Strand requested Council approval to allow Michael Amsden to carry over 37 ½ hours of compensatory time until August 15, 2001. Mike has been unable to use the compensatory time due to workload in the department. If Mike is unable to use his accumulated time by August 15, 2001, he would be paid for the unused hours. City Administrator Swenson asked Public Works Director Ted Strand what projects his department has been involved in that have prevented Mike from using his compensatory time. Ted Strand replied that his department has been busy with the E911 signs, mowing of ditches, clearing of the Public Works garage land

and working with Anderson Brothers on the 2001 road projects. Councilmember Swanson expressed concern with approving the carryover since this is not the first time a request for carryover has been submitted for Mike. Public Works Director Ted Strand stated that he will more closely monitor his department's accumulated time and its use in the future. MOTION 06S1-04-01 WAS MADE BY CHUCK MILLER AND SECONDED BY SANDY ELIASON TO APPROVE THE CARRYOVER OF COMPENSATORY TIME TO AUGUST 15, 2001 FOR MICHAEL AMSDEN. MOTION CARRIED WITH ALL AYES.

6. Road review recommendations for Albinsons Retreat Plat and Wild Wind Ranch Estates Plat – At its meeting of June 19, 2001 the Public Works Commission reviewed a request from the developers of Albinsons Retreat Plat to build the road adjacent to the rock entrance and retaining walls at a width of 14 feet instead of the previously approved 18 foot width. The developers feel the rock wall is of historic value and should not be removed. The Public Works Commission approved a motion to recommend to the City Council that the portion of road adjacent to the rock entrance and retaining walls be constructed at a 14 foot width in recognition of the historic rock entrance and the fact that the road will be a private road. However, if in the future, the City is requested to take over maintenance of the road, the rock entrance and retaining walls would have to be removed and the paved surface widened to 18 feet prior to the City accepting the road. MOTION 06S1-05-01 WAS MADE BY CHUCK MILLER AND SECONDED BY SANDY ELIASON TO APPROVE THE ROAD RECOMMENDATION FOR ALBINSON'S RETREAT PLAT AS RECOMMENDED BY THE PUBLIC WORKS COMMISSION. MOTION CARRIED WITH ALL AYES.
7. Bills for Approval – MOTION 06S1-06-01 WAS MADE BY DEAN SWANSON AND SECONDED BY CHUCK MILLER TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$7337.60. MOTION CARRIED WITH ALL AYES.

Councilmember Miller suggested that the Personnel Committee consider a policy for closing of City facilities in case of a power outage or other type emergency situation that may warrant closing of the facilities.

MOTION 06S1-07-01 WAS MADE BY DEAN SWANSON AND SECONDED BY SANDY ELIASON TO ADJOURN THIS SPECIAL COUNCIL MEETING AT 10:30 A.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach
Clerk/Treasurer

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