

SPECIAL COUNCIL MEETING
CITY OF CROSSLAKE
WEDNESDAY, JUNE 29, 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 29, 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 Member Mike Winkels. Absent was Ad-Hoc Committee Member Nancy Addington.

1. Mayor Schneider called the Special Meeting to order at 9:00 A.M. City Administrator Swenson updated the Council on the status of the Sunrise Island Bridge Project and stated the bridge is open as of today.

2. Community Development Director Ken Anderson stated the Council reviewed all the recommendations from the Ad-Hoc Committee at the June 8, 2011 Council Meeting. Mr. Anderson would continue from where the Council ended the previous meeting which was at item #11 under Residential Violations. Councilmember Taubert questioned what the Council's goals are with these violations and Mr. Anderson noted his opinion would be compliance with the City's ordinances should be the goal.
 - 11.) Grandview Limited Partnership, 13873 Edgewater Lane – Mr. Anderson noted the property owner needs to address impervious coverage and driveway issues. The property owner was notified the summer of 2010 and no action has been taken as of April 2011. Councilmember Swanson inquired why the City's ordinance has a 25% impervious coverage maximum and Mr. Anderson stated the percentage is part of the DNR Shoreland Rules.
 - 12.) John Alexander, 33578 Lake Street – Mr. Anderson noted he recently saw a contractor working on the interior of this house and encouraged the contractor to tell Mr. Alexander to complete the exterior if possible due to the complaints from the neighbors.
 - 13.) John Lally, 12904 Manhattan Point Blvd – Mr. Anderson stated he received a complaint regarding stormwater drainage issues with the adjacent property and also impervious coverage issues. Mr. Swenson noted this type of violation should be fully enforced and Councilmember Swanson echoed that statement by noting the lakes are a valuable natural resource that needs to be protected. Councilmember Moengen noted his interest in establishing a process and placing more restrictive timelines on these issues to show citizens that the City Council takes these matters seriously. MOTION 06S3-01-11 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO DIRECT STAFF AND THE PLANNING AND ZONING COMMISSION TO WORK WITH THE CITY ATTORNEY AND DETERMINE THE NEXT STEPS FOR

ENFORCEMENT ACTION AGAINST JOHN LALLY. MOTION CARRIED WITH ALL AYES.

Mayor Schneider noted he would like a report from Attorney Couri regarding the status of cases that he is currently working on to determine which ones have the best probable outcome. Mr. Anderson said he would forward that request to Mr. Couri.

The Council next reviewed a complaint process form that was adopted by the Planning and Zoning Commission in 2006. Councilmember Roe questioned how the staff deals with anonymous complaints and Mr. Anderson noted the staff would consider the information available at the time a complaint is made, even anonymously, to determine what steps need to be taken. Mr. Anderson stated the staff has the authority to go on any property unless there is a sign stating no trespassing. If a permit has been granted then the staff is also authorized to inspect the property as needed or required. Mr. Anderson noted that the name of the complainant is considered confidential information in accordance with state statutes. Councilmember Roe suggested adding the words "may" and "at staff's discretion" to the last sentence in item #2 to read "Anonymous complaints may be investigated at staff's discretion." MOTION 06S3-02-11 WAS MADE BY DEAN SWANSON AND SECONDED BY STEVE ROE TO APPROVE THE COMPLAINT POLICY AS PRESENTED INCLUDING THE CHANGE FOR ANONYMOUS COMPLAINTS AS NOTED FOR ITEM #2. MOTION CARRIED WITH ALL AYES.

Mr. Winkels suggested the Council allow the Planning and Zoning Commission to review items #15-35 on the violations list and determine what the proper steps would be for enforcement, if any. Mr. Winkels commented that since he now understands the Council's position on many of these issues he can better guide the Commission on how to deal with them. This way he knows the Council will be supportive of the Commission's actions on enforcement issues. It was the consensus of the Council to allow the Commission to review the remaining items on the list and proceed with the necessary action and only present the issues that require Council consideration at a later time.

City Administrator Swenson said that it has come to the staff's attention that a set of stairs has been built on a City right-of-way on Second Avenue leading to Rush Lake and questioned what action the Council wanted staff to take. This is a problem due to the fact that private structures cannot be built on a public right-of-way. Mr. Anderson reviewed photos of the stairs with the Council and discussed some of the potential public safety issues they may create. MOTION 06S3-03-11 WAS MADE BY STEVE ROE AND SECONDED BY RUSTY TAUBERT TO SEND A LETTER TO PAT HOAG INSTRUCTING REMOVAL OF THE STAIRS WITHIN 30 DAYS OTHERWISE THE PUBLIC WORKS STAFF IS AUTHORIZED TO REMOVE THEM. STAFF SHOULD MONITOR THE HILL AFTER THE STAIRS ARE REMOVED AND ADD AN EROSION CONTROL BLANKET IF NECESSARY. MOTION CARRIED WITH ALL AYES.

Mr. Anderson discussed an issue with Scott Siemers' residence in that there is a public safety issue with his pool not being enclosed with a fence as well as the pool creating impervious coverage issues. Mr. Anderson noted he will be sending Mr. Siemers a letter stating the pool needs to be removed.

Mr. Anderson discussed an issue with the Little Yukon property regarding a flexible sided garage that has been in place for some time. Mr. Anderson will be sending the property owner, Del Anderson, a letter noting this type of structure is prohibited in Crosslake and that the structure should be removed.

Mr. Anderson discussed a complaint received by his staff regarding an orange snow fence that was erected by a property owner on Hidden Valley Road. Staff called the property owner regarding this issue and it was noted the fence is in place to stop people from walking on his property. Mr. Anderson commented that installing a fence requires a permit and also that plastic is not an allowable material to use for the fence. It was the consensus of the Council to follow the complaint policy and send a letter to the property owner requiring removal of the snow fence or further action would be necessary.

Mr. Anderson discussed a landscaper license violation by Steve Peterson on Whitefish Road. This is the second violation for Mr. Peterson in three years. When the staff was made aware of the landscaping work a stop work order was issued at the property location. Staff cannot document what landscaping was pre-existing but the fine for a second violation is \$500 along with a ten times after-the-fact fee for not obtaining the necessary permit. Mr. Anderson noted work continued after the stop work order was issued and illustrated this to the Council with photos taken both times staff was at the property. Administrator Swenson noted Mr. Peterson will be required to pay the \$500 fine and then Planning and Zoning will notify the property owner on the need to prove what was existing before the work was done and that they are required to pay for the ten times after-the-fact permit fee. It was the consensus of the Council that the burden of proof of the pre-existing landscaping should fall on the property owner and not the City staff and that the property owner should provide such documentation in order to keep the improvements made.

There being no further discussion, MOTION 06S3-04-11 WAS MADE BY RUSTY TAUBERT AND SECONDED BY JOHN MOENGEN TO ADJOURN THE SPECIAL MEETING AT 12:10 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully Submitted,


Jennifer Max
City Clerk/Treasurer