

CITY OF CROSSLAKE  
COUNCIL PROCEEDINGS  
PUBLIC HEARING AND REGULAR COUNCIL SESSION  
JULY 10, 1989  
7:30 p.m. at City Hall

The City Council for Crosslake Minnesota met in a Public Hearing and regular Council Session on July 10, 1989 in the Council Chambers of City Hall. The following Councilmembers were present: Mayor Kurt Anderson, Lyle Arends, Roger Burshem, Diana Gallaway and Charles Miller. Also present was City Clerk Arlene Buchite and approximately 20 members of the community.

Mayor Anderson called this Public Hearing to order at 7:30 p.m. The first item for the Public Hearing was Ordinance No. 21, Third Series, dealing with automatic alarms. The Ordinance was read aloud by Mayor Anderson and Councilmembers Gallaway and Miller. MOTION NO. 7PH-01-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO APPROVE THE ORDINANCE NO. 21, THIRD SERIES DEALING WITH AUTOMATIC ALARMS. MOTION PASSED UNANIMOUSLY WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

The next item for the Public Hearing was Section 5.22 of the City Ordinances dealing with rubbish haulers. Mayor Anderson said he was around when the ordinance was made and the reason for it was to control the type of haulers who operated in Crosslake. According to Mr. Anderson the Ordinance has never been enforced and the Council should decide now if it should be enforced or if it should be dropped from the Ordinance Book. Certificates of insurance will be required from anyone who requests a license. Mayor Anderson said he felt the fee should be raised from the current \$5.00. Mr. Arends said he felt the fee should be kept at \$5 but he did not feel that rubbish haulers should have to show proof of insurance. Mayor Anderson said he would like to see general liability insurance added in the same amount as what is required for vehicle insurance. MOTION NO. 7PH-02-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER BURSHAM TO KEEP SECTION 5.22 GARBAGE AND REFUSE HAULERS IN THE ORDINANCE BOOK, ENFORCE IT, LEAVE THE LICENSE FEE AT \$5.00 AND TO ADD THE GENERAL LIABILITY REQUIREMENTS IN THE SAME AMOUNTS AS THE VEHICLE LIABILITY AMOUNTS. Mayor Anderson asked for any additional comments or input. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

MOTION NO. 7PH-03-89 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER MILLER TO ADJOURN THIS PUBLIC HEARING AT 7:43 P.M. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson then called this regular council session to order. All Councilmembers remained present.

First item on the regular agenda was the consent calendar. Councilmember Miller said he had one correction in the minutes of the June 19, 1989 special meeting at the bottom of page 3 where Mr. Arends was credited with two votes and Mr. Miller did not get any. Mayor Anderson said he also had

a minor correction in the minutes of the June 12, 1989 meeting on page 4 where it stated the former mayors name instead of Mayor Anderson. MOTION NO. 7R-01-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS TO APPROVE THE CONSENT CALENDAR WITH THE TWO CORRECTIONS AS NOTED AND CONSISTING OF: 1. MINUTES OF THE JUNE 12, 1989 REGULAR COUNCIL SESSION; 2. MINUTES OF THE JUNE 19, 1989 SPECIAL COUNCIL SESSION; 3. THE CLERK/TREASURER'S FINANCIAL REPORT FOR JUNE 1989; 4. THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR JUNE 1989; AND 5. THE CABLEVISION'S FINANCIAL REPORT FOR JUNE 1989. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

CLERK'S REPORT - First item on the Clerk's Report was bills for payment. MOTION NO. 7R-02-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER GALLAWAY TO PAY ALL BILLS INCLUDING: 1. DON COULTER, SURVEYOR FOR \$479.00 FOR DUNBAR SURVEY; 2. LEAGUE OF MN CITIES ASSOCIATION DUES OF \$641.00; 3. EHLERS AND ASSOCIATES FOR TAX INCREMENT FINANCE PROJECT 1-1 FOR \$2,500.00; 4. RODE, LUCAS, SCHELLHAS AND GAMMELLO, CITY ATTORNEY FOR \$928.86; AND 5. AMERICAN NATIONAL BANK FOR 1986 ROAD BOND INTEREST FOR \$12,068.75. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Next item was a request from Robert Souther representing Sand Pointe Villas Home Owners Association to acquire title to or easement to use the portion of land which remains after the building of Ann Street. Mr. Souther stated that there was a piece of property 79 feet by 250 feet which was deeded to the City in 1961 for a road. The road was using only a portion of the width of this piece and the property owners at Sand Pointe Villas were requesting permanent easement to use the balance of this strip of land for additional drainfields for the septic system. Mr. Souther said they would tunnel under the street and not disturb the blacktop. The drainfield would be used only in the summer and only in the event it would be needed. With a 66 foot roadway there would still be 13 feet to use. Mayor Anderson asked what they would do with the trees and Mr. Souther said they would clear the trees and make it a lawn. Councilmember Gallaway stated that the Association would be liable for any damage to the road and Mayor Anderson said the Association should also pay to have the South lot line surveyed before they go ahead with it. Mr. Arends said he feels they should be given an easement but with the understanding the road will be left in the same condition as it was before they start. MOTION NO. 7R-03-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO GRANT AN EASEMENT TO THE SAND POINTE HOME OWNERS ASSOCIATION TO GO UNDER ANN STREET WITH A DRAINFIELD BUT THEY ARE RESPONSIBLE FOR LEAVING THE BLACKTOP INTACT, REPAIR ANY DAMAGE TO THE ROADWAY AND MAINTAIN THE GRASS IN THE AREA. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Next item was a letter from city attorney James Gammello regarding the changes in the liquor laws. Mr. Gammello wanted to know if we wanted to change anything more in our city ordinances. Council felt no more changes were needed at present.

The City Clerk had received a letter from the Aadzuhman Shrine Club requesting permission to solicit support from local persons. MOTION NO. 7R-04-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO ALLOW THE AADZUHMAN SHRINE CLUB TO COME UP ON AUGUST 25th AND AUGUST 26th TO ENLIST THE SUPPORT OF THE PUBLIC. Councilmember Gallaway asked if the Council intended to place any restrictions about controlling or obstructing traffic and Mr. Arend said no. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Next was a letter from Mr. William Corrick, an Attorney who was representing four individuals who wanted the contract between the City of Crosslake and the White Island Beach developers removed from their Torrens Title Certificates. Clerk Buchite indicated she had sent copies of the papers which were served on her to city attorney James Gammello. Mayor Anderson explained that these were property owners who had lost their lakeshore six years ago and this was a good solution to a sticky problem.

MAYOR'S REPORT - Mayor Anderson read the letter he had received from Brian Marshall of the U.S. Postal Service. Mayor Anderson indicated he had received \$1.00 along with the option to purchase a portion of the old city hall property. Mayor Anderson said he found nothing derogatory in the information and said he hoped that the Council had studied the information and was ready to vote on it. Mayor Anderson said the post office has decided to take the strip of property discussed earlier all the way to the CSAH #6 in front which would be an additional 10,000 square feet. Mayor Anderson said the Postal Service is requiring a letter from Tom and Nat Swan saying that the easement on the South is an easement. Mayor Anderson said the lot should be worth \$14,500 instead of \$10,000 with the additional square footage. MOTION NO. 7R-05-89 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER MILLER TO GIVE MAYOR ANDERSON APPROVAL TO GO FORWARD WITH THE OPTION FROM THE POSTAL SERVICE AND TO SIGN IT, TO TRY TO GET 50 CENTS A SQUARE FOOT FOR THE LAND AND TO MEET AND ARRANGE ALL DEADLINES. Mayor Anderson said Mr. Marshall wants to get something started by the end of September and with a letter from Swans he could proceed with bid documents so everything will be ready by the end of September. Mayor Anderson said the underground gas tanks will be removed before the end of the month, Pat Hoag will knock the septic tanks out but the Chamber will be using the building until August 15, 1989. MOTION PASSED WITH COUNCILMEMBERS BURSHEM, GALLAWAY AND MILLER VOTING AYE. COUNCILMEMBER ARENDS VOTED NAY. Mr. Arends said he is against it because the City is losing a \$65,000.00 building.

Mayor Anderson said he received a letter from the Corps of Engineers that the City owned a piece of property located by Total Rental that the Corps wanted to survey. Mayor Anderson said because of the deadline on the letter he signed it and sent it back to the Corps. Mr. Anderson said it sounded as though the Corps wanted to buy the piece after it was surveyed.

Mayor Anderson said he had set a stake in the ground at the Cemetery to show approximately where the line would come to purchase property from

Dunbars and when he heard nothing from Dunbars he told Don Coulter to go ahead and survey it. After the survey was completed the Dunbars said they were willing to sell 50 feet but not the 100 feet which the Mayor said the City wanted to purchase. Mayor Anderson said he was wrong not to have had a purchase agreement signed before proceeding with the survey and apologized for spending \$479 for the survey. Mayor Anderson is now negotiating to buy some land to the West of the Cemetery but would get a purchase agreement signed before proceeding with a survey.

Councilmember Gallaway asked if Mayor Anderson had checked into the ownership of the property on Manhattan Beach where the stairway is located and Mayor Anderson said he has not been down to the County Recorder's office as yet.

Mayor Anderson said he is having Fire Chief David Schliek check on the proper procedure for removing the gas and fuel oil tanks so the City does not get in any trouble with the Pollution Control Agency.

Councilmember Gallaway asked Mayor Anderson if he had received any information on the Data Privacy Act as yet and he said he had not.

PARK AND RECREATION - Ms. Jernall said the minutes were not ready as yet for their last meeting but she see that the Council gets them as soon as they are ready. There was nothing new to report.

PLANNING AND ZONING - Marlowe Kingstedt, Coordinator, said the Commission recommended buying signs to place at the entrances to the City stating that zoning permits were required. MOTION NO. 7R-06-89 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER MILLER TO PUT SIGNS AT ALL ENTRANCES TO CROSSLAKE STATING THAT ZONING PERMITS ARE REQUIRED AND THAT THE SIGNS BE CHECKED THROUGH THE COUNTY SO THEY ARE PROPER SIGNS. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

The next item was the preliminary plat for Kroeger's White Pine Shores. The plat was approved by the Planning and Zoning Commission with the following conditions which were recommended by the City Surveyor Donald Coulter: The road has been stopped on the Southwest side with a cul-de-sac added, the developers have been informed that there is little chance for a Variance for any structures presented for a zoning permit that do not meet a design to fit the subject lot and there will be a 33 foot utility easement. The buildable spaces on the lot are unique and houses must be designed to fit the lot. Councilmember Gallaway said she had some concerns about the roadway right next to the pond. Mr. Mike Landecker arrived at the meeting at this time and said that the pond is only up to the right-of-way of the road. MOTION NO. 7R-07-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS THAT WE ACCEPT THE PRELIMINARY PLAT OF KROEGERS WHITE PINE SHORES AS PRESENTED. COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTED AYE.

CEMETERY - Councilmember Arends stated that there was only one burial last month.

PUBLIC SAFETY - Fire Chief David Schliek gave the Council an Automatic Response Letter. The Council was informed that there has been no Public Safety meetings because none have been needed.

Councilmember Miller said the Fire Department has not proceeded with the replacement of the overhead door which had been approved earlier because the cost was going to exceed the amount originally stated. Mr. Miller said he told them to go ahead with it because it was badly needed and the Council would approve it.

Fire Chief Schliek said he would like the Council to review the letter they received on employees right to know so something could be implemented before the deadline date of February, 1990.

Mr. Schliek requested that the Fire Department be allowed to purchase two respirators at approximately \$460 each. They have only one at present and it is very outdated, according to Mr. Schliek. Councilmember Gallaway suggested using dedicated funds to pay for the purchase. MOTION NO. 7R-08-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER GALLAWAY TO APPROVE THE PURCHASE OF TWO OXYGEN MASKS AT APPROXIMATELY \$460 EACH FOR THE RESPONSE TRUCKS. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Pat Hoag, Public Works Supervisor, said some of the fire numbers are in very bad shape and should be replaced. Mayor Anderson said as soon as the post cards for fire numbers are returned we should know who needs them and can do something at that time.

UTILITY COMMISSION - Nothing to report.

ROAD COMMISSION - Pat Hoag said the Road Commission did vote to take over the roads at Chatham Park. MOTION NO. 7R-09-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS TO ACCEPT THE ROADS IN CHATHAM PARK FOR MAINTENANCE. Mayor Anderson said a moritorium had been placed on the roads right after this road was built so it has never been accepted even though it was well built and meets all specifications. City Surveyor Don Coulter was present and said that Chatham Park was never platted and the City should get a deed for the road if they are going to maintain it. Mayor Anderson said we will get a deed because we agreed to take it over. MOTION WAS AMENDED THAT WE TALK TO THE OWNERS AND GET ALL THE LEGAL WORK DONE AT THEIR COST. AMENDMENT WAS SECONDED AND MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Will Hoyt from Landecker and Associates, Inc. was present to say that the 1988 road improvements projects are completed so final costs are known and a Public Hearing should be set up for the assessments. Mr. Hoyt said the Council should determine what the percentage rate should be for interest and how many years the affected property owners can take to pay the assessments. Mr. Hoyt said the preliminary assessment for Daggett Bay was \$380 per lot and the final assessment because of the addition of some roads primarily in Robinson estates, the final figure is \$411.03 per lot. On

Milinda Shores the preliminary assessing was estimated at \$400 per lot and the final figure is \$388.47 per lot. The non-typical assessments on Milinda Shores were estimated at \$640 and the final is \$627.53 per lot. MOTION NO. 7R-10-89 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER MILLER TO SET AUGUST 14, 1989 AT 7:30 P.M. FOR THE PUBLIC HEARING FOR THE FINAL ASSESSMENTS HEARINGS ON MILINDA SHORES AND DAGGETT BAY ROADS AND TO ALLOW THE RESIDENTS THE OPTION OF PAYING CASH OR A FIVE YEAR PAYBACK AT 8.75 PERCENT INTEREST. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mr. Hoyt said he would like to discuss future road construction. The City has received at least two petitions to blacktop existing dirt roads. One is Rushmore Boulevard and carries approximately 75 percent of the residents signatures and the other is for a portion of Sandcrest and carries a little over 50 percent of the residents signatures. Mr. Hoyt said he understands there may be several more and he would like to have the Road Commission set up a priority list and have a Public Hearing and come up with recommendations for the Council. Mr. Hoyt said these roads would be 100 percent assessment against the property owners but the City will have to be careful not to exceed their cash flow limit. Mr. Hoyt suggested the Road Commission hold their public hearings in September and bring the recommendations to the Council in October. Mayor Anderson said it sounded like a good idea to him and for Mr. Hoyt to proceed with those plans.

Councilmember Gallaway said the Road Commission has some dedicated funds that should be used. MOTION NO. 7R-11-89 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER MILLER TO USE DEDICATED FUNDS FOR THE PROJECTS THIS YEAR AND THEN TAKE THE BALANCE OUT OF THE BUDGET. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

FUNDING AND FUTURE DEVELOPMENT - Liaison Gallaway said Mr. Dean Swanson could not be present tonight. Dorothy Allen is looking into a pollution project. The Commission is awaiting information regarding the Census workshop. Celebrate Minnesota was turned over to the Chamber but the City will contribute the funds which were set aside for it if they are needed. Some of the members have toured the Nature Trails and they will be working with the Park and Recreation Commission to see what can be done to improve them.

PERSONNEL - Nothing.

NEW BUSINESS - Mayor Anderson said after all the discussions on Worker's Compensation Insurance the League of Minnesota Cities set up an accident policy at about one-tenth the cost of Worker's Compensation Insurance. Mayor Anderson suggested that at the premium cost, all Council and Commission members be included. MOTION NO. 7R-12-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER GALLAWAY TO PROCEED WITH THE ACCIDENT INSURANCE FOR THE COUNCIL AND ALL COMMISSION MEMBERS AS OFFERED BY THE LEAGUE OF MINNESOTA CITIES AND TO CANCEL THE WORKER'S COMPENSATION INSURANCE FOR THE COUNCIL. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILELR VOTING AYE.

OLD BUSINESS - Nothing.

PUBLIC FORUM - Councilmember Gallaway asked about bids for selling the old copy machine and Clerk Buchite indicated that we received the new copy machine too late to seek bids. Councilmember Gallaway asked if any information had been received regarding seeking quotes instead of bids for fuel oil and gas since no bids were received when a notice was placed in the legal paper. Clerk Buchite said no information has been received as yet.

Gwen Kline, a home owner on Silver Peak Shores was present to request that something be done with her road. Since there is a stretch of Ideal Corners between her and Crosslake she feels as though nothing is ever done with her road and she would like to have the City blacktop it. Ms. Kline does not feel that 100 percent of the assessment should be placed against the home owners because it would benefit the City to have it blacktopped in that they would not have to bring a grader over there to grade it. Pat Hoag will go out and look at the road and let Ms. Kline know what he will recommend doing with the road. Mayor Anderson suggested they get the proper form from the City Clerk requesting an overlayment and get it back with the required signatures before the Public Hearing which the Road Commission will be having in September.

Mr. Hoag explained to Ms. Kline that Crosslake has an agreement with Ideal Corners to maintain that section of road and Crosslake maintains the end of West Shore Drive that belongs to Ideal Corners. Mr. Hoag suggested Ms. Kline call whenever she has not been plowed or maintained and he will see that something is done.

MOTION NO. 7R-13-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO ADJOURN THIS REGULAR COUNCIL SESSION AT 9:16 P.M. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Recorded and transcribed by:



Arlene A. Buchite  
City Clerk/Treasurer