

**COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
SPECIAL COUNCIL SESSION
JULY 13, 1993
2:00 P.M. AT CITY HALL**

The Council for the City of Crosslake Minnesota met in a joint session with the Planning and Zoning Commission in the Council Chambers of City Hall on Tuesday, July 13, 1993. The following Councilmembers were present: Mayor Kurt Anderson, Lyle Arends, Charles Miller, Dean Swanson and John Webster. Also present were the following members of the Planning and Zoning Commission: Chairman Roy Dolmar, Bill Abelson, Hal Neff, George Riches and Cynthia Thunnell as well as Coordinator Teri Hastings. Sue Thurlow was present representing the City Attorney's Office. There were no residents present.

Mayor Anderson called this meeting to order at 2:00 p.m.

Several items were discussed including the 15 percent deck rule, signs along the roadway, items for sale along the roadway and home occupations without a permit. Also discussed was the parking problems associated with the flea market and continuous garage sales.

At 3:00 p.m. Sue Thurlow spoke to the group on a number of issues such as variances, conditional use permits. Ms. Thurlow stated that the meaning behind this meeting was for planning commissions and council to learn to work together to implement the Ordinances and meet the requirement of State Law. Ms. Thurlow said that State Law is really quite particular and members of the Council and Planning and Zoning Commission need to know how the law works and what the requirements are so precedural mistakes do not happen. The primary things are to take a look at the law, follow procedure and do the follow up work. The basis for planning and zoning law is to maintain health, safety and welfare of the community.

Ms. Thurlow went on to state the functions of the Coordinator, the Planning Commission and the Board of Appeals saying that Crosslake is one of the only cities she is aware of that is handling the procedure correctly by having the Council act as the Board of Appeals.

Ms. Thurlow stated that in her opinion the Coordinator should have a written statement of his/her professional opinion on each variance and conditional use permit for the Planning and Zoning Commission and/or Council to use in making their decision.

Discussion ensued regarding having all commercial permits need

a Conditional Use Permit so the Council can have some control.

Ms. Thurlow explained to the Commission members that their duties as the Board of Adjustment are to make recommendations to the Council on Ordinances, variances, Conditional Use Permits, etc. Ms. Thurlow stressed that these items must be handled by what is legal and not by someone's personal feelings or dislikes; it should be the health, safety and welfare of the community that is considered. If neighbors are protesting, it is up to them to make their case against the C.U.P. Some of the items Ms. Thurlow listed as a checklist for Commission Members the Council were: (1) see if the request is listed as a C.U.P. in the Ordinance; (2) can it meet the Ordinance performance standards; (3) is the use consistent with our Comprehensive Plan; (4) can the required setbacks be met; (5) have items such as soil erosion, the intrusive nature of the development on the neighbors, sewer, water, parking and all similar type of problems been addressed; and last but not necessarily least is (6) does it meet the requirements of the law.

Ms. Thurlow presented the Council and the Commission with samples of various applications and criteria to use when making decisions on variances. Also included in her handouts were protocol for making Findings of Fact supporting or denying a variance, protocol for all issues heard by the Planning Commission or Board of Adjustment, tips for Dealing with "The Mob", Making the Record and Code of Conduct for Members.

Ms. Thurlow reiterated that for a Variance to be approved it must be a hardship. Two or three issued without a genuine hardship could set precedence and give the City a real headache when they try to turn one down. Ms. Thurlow also reiterated that each Conditional Use Permit and each Variance should have a Findings of Fact whether they are approved or denied. Ms. Thurlow suggested that each request be read into the record and it be stated into the record that the proper notices were sent out. Also in the record should be the Coordinators comments, names of persons in favor and against, any letters or phone calls received and any other pertinent items needed for the Findings of Fact. Findings of Fact must reflect what happened at the hearings. Ms. Thurlow stated that the motion to approve or deny should not be made until after discussion by all who wanted to be heard.

Discussion ensued as to how meetings should be conducted. It was indicated that "rules" should be established and stated at the beginning of a hearing so everyone is aware as to how the hearing will be conducted. The reason for a Public Hearing is to allow for staff and public input prior to a motion being made. Ms. Thurlow also stated that when there is an item on the agenda for public hearing a motion should be made to table it, defeat it or approve it, it should not be left hanging.

The Planning and Zoning Commission members left the meeting at this point.

Ms. Thurlow stated that she had the Comparable Worth report ready to send into the state Department of Employee Relations. The Telephone Commission has requested that Ms. Thurlow review the position descriptions. Mr. Swanson and Mr. Miller said they did not want to have the Plant Manager's job description changed to justify his salary. The Council was not aware that Ms. Thurlow had critiqued the General Managers job description so it was the consensus of the Council to hold a special meeting on July 27, 1993 at 7:00 p.m. to re-evaluate the job description with Utilities Commission members.

When asked about City employees job descriptions Ms. Thurlow stated that they will all have to be changed to comply with the Americans With Disabilities Act.

MOTION NO. 79-01-93 WAS MADE BY C. MILLER AND SECONDED BY J. WEBSTER TO ADJOURN THIS SPECIAL COUNCIL MEETING AT 5:05 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:
Arlene A. Buchite, City Clerk/Treasurer

