

JOINT MEETING OF
CITY COUNCIL
LONG RANGE CAPITAL PLANNING COMMISSION
PLANNING AND ZONING COMMISSION
PUBLIC WORKS COMMISSION
PARK AND RECREATION COMMISSION
TUESDAY, AUGUST 19, 2003
1:00 P.M. – CITY HALL

The Special Meeting of the Crosslake City Council was called to order at 1:04 P.M. by Mayor Darrell Swanson with the following members present: Darrell Swanson, Dick Phillips, Irene Schultz and Dean Eggena. Also in attendance were City Attorney Paul Sandelin, City Administrator Tom Swenson, Park and Recreation Director Jon Henke and members of the above mentioned Commissions (names attached), as well as three people in the audience.

Mayor Swanson stated that the purpose of this Joint Council/Commission meeting was to begin the process of establishing a long-term plan for the public accesses located in Crosslake. This meeting was a public session, not a public hearing. A public hearing is schedule for September 17, 2003 in City Hall at 7:00 P.M. The information gathered from today's session as well as public comments from the public hearing on 9-17-03 will be taken into consideration when the final plan is formulated to present to the City Council in October or November. Mayor Swanson stated that a moratorium currently exists until after the January 12, 2004 City Council meeting prohibiting the vacation of all public access areas.

The Park Advisory Commission was called to order at 1:06 P.M. by Chairperson Mary Miller. The Planning and Zoning Commission was called to order at 1:07 by Chairperson Andy Anderson. The Public Works Commission was called to order at 1:07 by Chairperson Dennis Palm. The Long Range Capital Planning Commission was called to order at 1:07 P.M. by Chairperson Darrell Schneider. Also in attendance were John Voelker of DNR Trails and Waterways Division, WAPOA Representatives Ron DeLaHunt and J.O. Wallschlaeger and Michael Kearns of Crow Wing County Parks Department.

Jon Henke handed out to the Council and Commission members a Public Water Access Meeting Outline for their information. Mr. Henke informed the members that the oldest plat describing public accesses to the water dates back to 1926, while the majority of the plats are dated in the forties and fifties. The language in all of the plats is very similar and states: "We hereby donate and dedicate to the public, for public use forever, the boulevards, avenues and beaches as shown on the annexed plat". It is unclear what the property owners' intentions were when donating the accesses.

Jon Henke stated that there currently are 44 noted accesses within the limits of Crosslake. Mr. Henke has placed colored stickers on the aerial map located in the Council Chambers to mark the location of the accesses.

Included in the packet for member's information was Resolution #110 Adopting Public Access Policy, which explains the City's current policy. Also included were a list of benefits of the public access areas and a list of drawbacks of the public access areas compiled by Jon Henke. Darrell Schneider asked that Required Street Access for Lots in a Plat be added to the List of Benefits. Tom Swenson asked that the Ability to Pull Up to Shore While Boating be added to the List of Benefits. Dick Phillips asked that Sanitation be added to the List of Drawbacks.

Councilman Miller joined the meeting at 1:18 P.M.

John Voelker from the DNR questioned how many of the 44 accesses are actively used. Jon Henke stated that approximately half of the accesses are actively used right now, adding that the accesses on Robert Street, East Shore Road and Fawn Lake are very busy. A discussion ensued regarding the member's personal experiences with the benefits and drawbacks of these accesses. John Voelker of the DNR stated that most of the accesses are too small to be considered boat launches. Councilman Miller stated that he would like to embark on a program for the 20 and 30-foot accesses to be marked as public use for picnicking and swimming.

Allen Eliason stated that he felt bathroom facilities were an important need for boaters. Michael Kearns the Crow Wing County Park Director stated that sewage is the biggest problem on all of the lakes in Crow Wing County. Mr. Kearns stated that the opportunity to use some of the smaller sized accesses for restroom facilities is a great idea. Having worked with many cities in Crow Wing County, Mr. Kearns stated that there are hundreds of these small 20 – 30 foot accesses all over Crow Wing County and that they have numerous uses. Crosslake is not unique to this situation.

A List of possible Future Uses and Tax Role Benefits was included for information.

A discussion ensued regarding the legality of vacating public land. A letter dated June 27, 2002 from Attorney General Mike Hatch regarding vacation of public access areas was included in the packet for member's information. These access areas are under public ownership with the local government presiding over the use of these areas. City Attorney Paul Sandelin addressed the question of why the property does not revert back to the original owners or heirs of the plat if it is vacated. Mr. Sandelin stated that the courts have set up a general procedure for this. Locating the original owners and heirs is difficult and time consuming, therefore, the courts have put the burden of proof on the individual attempting to vacate a piece of land by proving that the public access is useless for the purpose for which it was laid out, or it is located in a position such that it is unavailable for use by the public.

Morry Mikkelson raised the question of the word "forever" that is used in the description for most of these accesses. Paul Sandelin stated that it means forever, until a judge rules that it doesn't mean forever anymore. The courts have the authority to determine what "forever" means. Bob Mattson stated that he doesn't like using the word "vacation" to describe the process.

Mark Wessels questioned why the City chooses to vacate these areas rather than sell them. Jon Henke said that the State of Minnesota does not allow for the sale of this land. Michael Kearns added that the reason the State does not allow these public areas to be sold is that there is no title and no real estate code assigned to them. Paul Sandelin stated these areas are held in trust by the City for public use.

A discussion ensued regarding the possibility of receiving a grant from the Initiative Foundation to develop, locate and maintain these public areas.

The meeting was then opened for recommendations/opinions. The go around method was used for all invited guests. Each invited guest had a very brief opportunity to state his or her recommendation on this subject. It was the majority opinion that the City of Crosslake cease vacating any land until each access is identified and determined on an individual basis what the best use should be. Many members are in favor of using these for just green space.

Councilman Miller excused himself from the meeting at 2:55 P.M.

A brief discussion ensued regarding the Goodrich/O'Brien Lake Accesses. Councilman Eggena questioned what the standing was of these accesses. John Voelker stated that the problem with the Goodrich access was solved. The access on Lake O'Brien is at a stand still. The DNR still does not have property for an access and doesn't foresee obtaining usable property in the near future.

Andy Anderson adjourned the Planning and Zoning Commission meeting at 3:00 P.M. Mary Miller adjourned the Park Advisory Commission meeting at 3:00 P.M. Darrell Schneider adjourned the Long Range Capital Planning Commission meeting at 3:00 P.M. Dennis Palm adjourned the Public Works Commission meeting at 3:00 P.M. A MOTION WAS MADE BY DEAN EGGENA, SECONDED BY DICK PHILLIPS TO ADJOURN THE JOINT COUNCIL MEETING AT 3:00 P.M. AYES: ALL.



Charlene Nelson
Deputy Clerk

