

CITY OF CROSSLAKE MINNESOTA
COUNCIL PROCEEDINGS
PUBLIC HEARING AND REGULAR SESSION
September 11, 1989
7:30 P.M. at City Hall

The City Council for Crosslake Minnesota met in a Public Hearing and Regular Council Session on September 11, 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 were approximately 25 citizens and City Clerk Arlene Buchite.

Mayor Anderson called this Public Hearing to order at 7:30 p.m. stating that the primary purpose for this hearing was to accept or reject Ordinance No. 23, Third Series dealing with zoning violations.

Clerk Buchite read the Ordinance aloud. Mayor Anderson asked councilmembers if they had any questions or comments. MOTION NO. 9PH-01-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER BURSHEM TO APPROVE ORDINANCE NO. 23, THIRD SERIES DEALING WITH AFTER-THE-FACT APPLICATION INVESTIGATION FEES FOR PLANNING AND ZONING VIOLATIONS. Mayor Anderson asked for comments from the audience. Mr. Dean Eggena was present and asked who the violation was going to be assessed against. Mayor Anderson stated that the City Attorney said to leave that at the discretion of the investigator. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM AND GALLAWAY VOTING AYE. COUNCILMEMBER MILLER VOTED NAY.

Mayor Anderson declared this Public Hearing adjourned at 7:32 p.m.

Mayor Anderson then called the regular session of the Council to order and stated that the first item on the agenda is the Consent Calendar. MOTION NO. 9R-01-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) THE MINUTES OF THE AUGUST 14, 1989 REGULAR COUNCIL SESSION; (2) THE MINUTES OF THE AUGUST 31, 1989 SPECIAL COUNCIL SESSION; (3) THE CLERK/TREASURER'S FINANCIAL REPORT FOR AUGUST, 1989; (4) THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR AUGUST, 1989; AND (5) THE CABLEVISION'S FINANCIAL REPORT FOR AUGUST, 1989. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

CLERK'S REPORT: First item was bills for payment which Clerk Buchite read aloud. Councilmember Arends said he

was not pleased with the way the radius was seal coated on Happy Landing Road and he felt some of the money should be withheld until it was completed satisfactorily. MOTION NO. 9R-02-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER GALLAWAY TO HOLD BACK \$1825 FROM THE FINAL PAYMENT TO BITUMINOUS CONSULTING UNTIL THEY SEAL COAT THE RADIUS THAT WAS NOT SEALED ON HAPPY LANDING ROAD. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE. Councilmember Miller said he felt Mr. Arends should be thanked for watching to see that the road work was done good.

With no further discussion, MOTION NO. 9R-02-89 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER MILLER TO PAY ALL BILLS INCLUDING: (1) AMERICAN NATIONAL BANK FOR FEES AND EXPENSES ON GOVERNMENT OBLIGATION BONDS OF 1986 FOR \$185.25; (2) ROSEBUD NEWS TO HAVE CHECKS PRINTED FOR \$264.00; (3) BITUMINOUS CONSULTING FOR SEALCOATING THE PARKING LOT AT THE COMMUNITY CENTER FOR \$2,175.00; (4) WIDSETH, SMITH, NOLTING AND ASSOCIATES FOR CHECKING WHITE PINE SHORES PLAT FOR \$358.20; (5) BUCHITE AUCTION SERVICE FOR SCAFFOLDING FOR \$1030.00; (6) LANDECKER AND ASSOCIATES FOR ENGINEERING WORK ON DAGGETT BAY AND MILINDA SHORES FOR \$1945.00; (7) LANDECKER AND ASSOCIATES FOR ENGINEERING WORK ON THE 1989 ROAD PROJECTS FOR \$4210.00; (8) BITUMINOUS CONSULTING FOR THE 1989 SEAL COATING PROJECTS FOR \$17,825.00; (9) TRI-CITY PAVING FOR THE 1989 ROAD IMPROVEMENTS (PARTIAL PAYMENT) FOR \$58864.50 (10) ANDERSON BROTHERS FOR FINAL PAYMENT ON DAGGETT BAY AND MILINDA SHORES FOR \$13,226.66; (11) JOHN DEERE LEASING FOR DOWN PAYMENT ON NEW LOADER FOR \$20,000.00; (12) NELSON INTERNATIONAL OF WILLMAR FOR NEW FIRE TRUCK CHASSIS FOR \$61041.00; AND (13) HELICOPTER SERVICE OF BRAINERD FOR SEARCHING FOR LOST PERSON FOR \$617.50 BUT TO HOLD BACK \$1825.00 ON THE BITUMINOUS CONSULTING INVOICE UNTIL THE RADIUS IS SEAL COATED. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Clerk Buchite indicated she has received letters from Emily, Aitkin and Fifty Lakes regarding the request for assistance in paying the ambulance subsidy and all of them said they would not pay anything although Fifty Lakes will continue to pay the \$85 a month they are now paying. Councilmember Gallaway asked that the Clerk write a letter to Fifty Lakes informing them that they could take the ambulance subsidy outside the levy limit if they wished.

The next item was a letter from Region 5 Development commission regarding a meeting of the Transportation Board on September 20, 1989. None of the Councilmembers indicated that they were interested in attending.

Clerk Buchite had received a letter searching for candidates for House and Senate seats. No comments were made.

A letter from Northern National Bank requesting the release of pledges was discussed. Clerk Buchite indicated she has not received the pledges which had been promised. Discussion ensued regarding the amount that should be pledged to the City. MOTION NO. 9R-04-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO REQUEST \$250,000.00 IN PLEDGES FROM NORTHERN NATIONAL BANK BEFORE WE SIGN THE RELEASE FOR THE CURRENT PLEDGES. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEN, GALLAWAY AND MILLER VOTING AYE.

The next item was a Workman's Compensation Conference in Brainerd on October 3 at the cost of \$75.00. It was the consensus of the Council that this conference was not necessary to attend.

Clerk Buchite indicated she had received a request from Mrs. Norma Kouba to sell two cemetery lots back to the City. Clerk Buchite said she could not find any records as to how much Mrs. Kouba had paid but she thought they were \$35.00 each. MOTION NO. 9R-05-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO BUY BACK THE CEMETERY LOTS FROM NORMA KOUBA AT THE SAME PRICE THAT SHE PAID FOR THEM. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEN, GALLAWAY AND MILLER VOTING AYE.

Those persons indicating that they would attend the September 14, 1989 Regional Meeting in Longville were Mayor Kurt Anderson, Councilmembers Roger Burshen and Diana Gallaway, City Clerk Arlene Buchite and Planning and Zoning Coordinator Marlowe Kingstedt.

MOTION NO. 9R-06-89 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER MILLER TO RENEW THE CERTIFICATE OF DEPOSIT THROUGH THE 4-M FUNDS FOR 30 DAYS AT 8.85 GROSS INTEREST. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEN, GALLAWAY AND MILLER VOTING AYE.

Clerk Buchite said she has been getting a big increase in the number of notary items to be signed and requested council input as to charges, if any. It was the consensus of the Council that there would not be enough income to bother charging for it.

MAYOR'S REPORT - Mayor Anderson said he received a notice of a one day seminar on Leadership Challenges of the 1990's at several locations if any Councilmembers were interested.

COMMISSION REPORTS

PARK COMMISSION - Councilmember Arends said he would like to have the Council approve sending the Park Director to a one day seminar regarding customer relations for supervisors and staff members. MOTION NO. 9R-06-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO SEND PARK DIRECTOR FELBER TO A 1 1/2 DAY SEMINAR IN BROOKLYN PARK ON SEPTEMBER 28 AND 29 AT THE COST OF \$115 PLUS MILEAGE. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Joann Jernall said she had a request from the auxillary to have \$35.00 from coupon sales returned to the auxillary. MOTION NO. 9R-07-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS TO REIMBURSE THE PARK AUXILLARY \$35.00 WHICH HAD BEEN TURNED INTO THE CLERK'S OFFICE. MOTION PASSED WITH COUNCILMEMBER ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Joann asked about Celebrate Minnesota and Councilmember Gallaway said this has been turned over to the Chamber. Joann asked about grants and Ms. Gallaway said it is too late to apply for the grants.

PLANNING AND ZONING - Coordinator Marlowe Kingstedt informed the Council that the Planning and Zoning Commission had held a Public Hearing on extending the commercial zoning along CSAH #6 to the North City limits and along CSAH #3 to the South City limits. MOTION NO. 9R-08-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS TO AMEND THE COMPREHENSIVE PLAN AND ZONING MAP TO EXTEND THE COMMERCIAL ZONING ALONG CSAH #6 TO THE NORTH CITY LIMITS AND ALONG CSAH #3 TO THE SOUTH CITY LIMITS AND ALONG CSAH #3 EAST ON THE SOUTH SIDE TO CSAH #37. Councilmember Gallaway asked if this would have any bearing on the petition of last month regarding the gravel pit in Manhattan Beach. It was the consensus of the Council that this extention of commercial zoning was not the result of that petition and had no bearing on that petition. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mr. Kingsted said he would like to recommend Mr. Armond Gease as an alternate to the Planning and Zoning Commission. MOTION NO. 9R-09-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO APPOINT ARMOND GEASE AS AN ALTERNATE TO THE PLANNING AND ZONING COMMISSION. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mr. Kingsted said the next item was the final plat for White Pine Shores. The Planning and Zoning Commission approved the plat, Mr. Kingstedt went over all the items with Don Coulter, City Surveyor and Mr. Kingstedt was in

receipt of all the items he felt were necessary for the approval from the Council. Mr. Kingsted had a certified copy of a deed from Mr. Halverson to Discount Finance and from Discount Finance to the City of Crosslake and the checks necessary to record the deeds. Mr. Kingstedt said this is registered property therefore an affidavit of purchase is required and they have provided a form for execution by the City along with a certificate of reasonable real estate value. Mr. Kingsted had a letter from Widseth, Smith, Nolting and Associates estimating the road work at \$26,512.50 and recommending 1.25 percent be put into escrow. Mr. Coulter also recommended that amount. Mr. Kingstedt indicated that he had a copy of the minutes of Discount Finance's Board of Director's meeting regarding purchasing that piece of land.

Mayor Anderson asked if Planning and Zoning is satisfied with the plat and Mr. Kingstedt said they are recommending approval. MOTION NO. 9R-10-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS TO APPROVE THE FINAL PLAT OF WHITE PINE SHORES AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION. Mayor Anderson asked for any further comments. Councilmember Gallaway said she had a question on the ponds and if rip-rap would be used on both ponds. Mayor Anderson said it would only be used on the big pond. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mr. Kingstedt showed the Council some pictures he had taken of a washout on Ox Lake. Mr. Kingstedt indicated that he had a request to fill in the washout but according to our Ordinances there would have to be a Conditional Use Permit issued. Mr. Kingstedt stated that this was an emergency situation and they should be allowed to fill it in before it places structures in danger. MOTION NO. 9R-11-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO ALLOW A LOCAL CONTRACTOR TO GO AHEAD AND FILL IN A WASHOUT ON OX LAKE WITH NO PERMIT NECESSARY. Mayor Anderson said the ordinance book said the zoning coordinator cannot issue a permit without following the book. Mayor Anderson suggested that if a problem like this arises again, Mr. Kingstedt should seek advise from his liaison. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mr. Dean Eggena thanked the Council and said he felt the Ordinances need some refining because everytime a hole in the road is filled or a basement is dug the ordinance is being violated. Mayor Anderson said that the basement is part of the house permit. Mr. Miller said he feels that anytime you need some fill and it is not below the high water mark it should be allowed. Mr. Arends agreed with Mr. Miller. Mayor Anderson said we could have problems

with opening it wide open before the ordinance are revised is a situation where a man has a slope going down to the beach, piles a bunch of sand and prays for a downpour and ends up with a beautiful sandy beach. Mr. Eggena says that if something enters the water the Department of Natural Resources is involved. Mayor Anderson said if this is an ordinance that needs changing right away it should go to the next Planning and Zoning meeting and requested Mr. Kingstedt to place it on his agenda.

CEMETERY - Councilmember Arends said he would like to have the cost of graves for persons who do not pay real estate taxes in Crosslake raised from \$150.00 each to \$250.00 each. MOTION NO. 9R-12-89 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER ARENDS TO RAISE THE FEE FOR NON-RESIDENT CEMETERY LOTS TO \$250.00 EACH. Discussion ensued as to residents who live in apartment houses. It was the consensus of the Council that voters be considered as residents also. MOTION PASSED WITH COUNCILMEMBER ARENDS, BURSHEN, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson read a letter regarding the possible purchase of land from Woog's Free Wheeling stating that the City should contact them after the first of the year.

PUBLIC SAFETY - Fire Chief David Schliek asked about approval of the By-Laws. Mayor Anderson said this will be put off until next month.

Councilmember Gallaway asked about the Right-to Know seminars and Mr. Schliek said he has obtained some information and will pass it on to the Council.

UTILITIES COMMISSION - Nothing.

ROAD DEPARTMENT - Mr. Arends said he was not happy with the aggregate that was used on some of the roads. Will Hoyt of Landecker and Associates, Inc. stated that the same material that is used by the County was used.

Mr. Hoyt said that the preliminary road report authorized by the Council at the last meeting for Rushmore Boulevard, Riverwood Lane and Lake Shore Drive was over half completed. Silver Peak Road had also submitted a request for work and the Road Commission recommended including that road in the report also and Mr. Hoyt wanted the Council aware of this. Mr. Hoyt said he would like the Council to review the report before there is a public hearing.

Mayor Anderson said he would like to have Jim Stevenson appointed to the Road Commission. MOTION NO. 9R-13-89

WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS TO APPOINT JIM STEVENSON AS A MEMBER OF THE ROAD COMMISSION. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Councilmember Gallaway asked if anything had been done about bidding Class #5. Road Supervisor Pat Hoag said he has been waiting for word from Mr. Arends. Mayor Anderson asked Mr. Arends to have information by the end of the month so it could be acted on at the next meeting.

Mr. Hoag said the new loader has been received but there was a problem with the hydraulics so it was returned to the dealer. The road department is working on O'Brian road, according to Mr. Hoag and they expect to have 1/2 mile done in a week or so.

Ms. Gallaway asked about the road in Chatham Park. Mr. Miller said he spoke to the owner a week ago and they were advised by their attorney not to grant a deed to the City for the road but to dedicate the road to the City. Mr. Miller also said the the area is platted but City Surveyor Don Coulter said he did not remember that when it was discussed at a prior meeting. The owners will have to go through the procedure to dedicate the road.

Gwen Kline a resident from Silver Peak road was present to make sure thier road was being considered for the next year's road projects.

FUNDING AND FUTURE DEVELOPMENT - Mr. Dean Swanson, Chairman was present to say they would like Council approval to send three people, Rick Koch, Dorothy Allen and Arlene Buchite to the census seminar in Brainerd. The only cost would be mileage. MOTION NO. 9R-14-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER BURSHAM TO APPROVE SENDING THREE PEOPLE TO THE CENSUS SEMINAR IN BRAINERD ON SEPTEMBER 26, 1989. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

PERSONNEL - Clerk Buchite said that the new employee cannot find his Department of Transportation physical papers. It was the consensus of the Council that he should make arrangements to take a physical examination.

NEW BUSINESS - NOTHING

OLD BUSINESS - Mayor Anderson said he would like to call a special meeting of the Council for Tuesday, September 19, 1989 at 7:00 p.m.

PUBLIC FORUM - A resident asked about the legal findings on the ownership of the stairway on Manhattan Beach.

Mayor Anderson stated that we do not have it as yet but are awaiting a response from the City Attorney.

The new post office was discussed briefly. Mayor Anderson said we have 45 days from the time we sign the intent to sell to remove the old City Hall. Mayor Anderson said he had received a letter from Tom and Nat Swann regarding the easement. Mayor Anderson said he would like to have Council approval to advertise to remove the building. MOTION NO. 9R-15-89 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER MILLER TO ALLOW THE MAYOR TO ADVERTISE FOR BIDS TO REMOVE THE OLD CITY HALL WHEN THE TIME COMES. MOTION PASSED WITH COUNCILMEMBERS BURSHEM, GALLAWAY AND MILLER VOTING AYE AND COUNCILMEMBER ARENDS VOTING NAY.

MOTION NO. 9R-16-89 WAS MADE BY COUNCILMEMBER BURSHEM AND SECONDED BY COUNCILMEMBER MILLER TO ADJOURN THIS COUNCIL SESSION AT 8:39 P.M. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Recorded and transcribed by:



Arlene A. Buchite, City Clerk/Treasurer