

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
REGULAR COUNCIL SESSION
SEPTEMBER 12, 1988
7:30 p.m. at City Hall

The City Council of Crosslake Minnesota met in a regular Council session on Monday, September 12, 1988 in the Council Chambers of City Hall. The following Councilmembers were present: Mayor Oliver Courts, Lyle Arends Diana Gallaway, Dean Swanson and Oliver Yates. Also present were City Clerk Arlene A. Buchite and 23 citizens.

Mayor Courts called this meeting to order at 7:30 p.m. and stated that the public hearing on Ordinance No. 17, Third Series would not be heard tonight because there had been an error in the publication giving the wrong date and time.

CONSENT CALENDAR - MOTION NO. 9R-01-88 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER ARENDS TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF THE SPECIAL MEETING ON AUGUST 1, 1988; (2) MINUTES OF THE REGULAR COUNCIL SESSION ON AUGUST 8, 1988; (3) MINUTES OF THE SPECIAL COUNCIL MEETING ON AUGUST 18, 1988; (4) MINUTES OF THE SPECIAL MEETING ON AUGUST 22, 1988; (6) MINUTES OF THE SPECIAL MEETING ON AUGUST 29, 1988; (6) THE CLERK TREASURER'S FINANCIAL REPORT FOR AUGUST, 1988; (7) THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR AUGUST, 1988; AND (8) THE CABLEVISION'S FINANCIAL REPORT FOR AUGUST, 1988. MOTION PASSED UNANIMOUSLY.

CLERK'S REPORT - MOTION NO. 9R-02-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER GALLAWAY TO APPROVE ALL BILLS FOR PAYMENT INCLUDING: (1) ZIEGLER, INC. FOR \$5,000.00 FOR GRADER PAYMENT; (2) CROW WING COUNTY ASSESSOR FOR \$11,534.00; (3) CARLSEN, GREINER & LAW FOR \$1,465.50; (4) LARSON, ALLEN, WEISHAIR & COMPANY FOR \$395.00 FOR THE FIREMENS REPORT; AND (5) AMERICAN NATIONAL BANK FOR \$110.28 FOR BOND FEES. MOTION PASSED UNANIMOUSLY.

After a brief discussion about codification, MOTION NO. 9R-03-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER ARENDS TO KEEP THE MUNICIPAL ORDINANCE CODIFIERS TO DO ANY CODIFICATION WORK NECESSARY BECAUSE THEY ARE LOCATED IN MINNESOTA AND ARE FAMILIAR WITH OUR CODE BOOK. MOTION PASSED UNANIMOUSLY.

The next item on the agenda was approval of a beer, wine and set-up licenses for Jerome Pollock at the old Moonlight Bay properties. Mr. Pollock has applied for a permit, which meets all zoning requirements according to Zoning Coordinator Marlowe Kingstedt, to build a restaurant to serve 3.2 beer and wine. MOTION NO. 9R-04-88 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER ARENDS TO APPROVE THE APPLICATIONS FOR A 3.2 ON AND OFF SALE BEER LICENSES, WINE LICENSE AND CONSUMPTION AND DISPLAY LICENSE FOR JEROME POLLOCK AT THE MOONLIGHT BAY PROPERTIES. MOTION PASSED UNANIMOUSLY.

A letter from Region V regarding tourism maps was discussed briefly. Region V is developing maps which would be distributed widely and would include

points of interest in the Crosslake area. Doris Fraser said the Chamber of Commerce also received the letter and she is working on it and will send them the information they are requesting.

The 40 mile per hour speed limit petition along CSAH # 3 from the water slide to CSAH #103 and a response from Duane Blanck, Engineer with the Crow Wing County Highway Department was discussed. Clerk Buchite read the response from Mr. Blanck aloud. Mr. Blanck stated in the letter that the County would do some radar and traffic investigations.

A letter from Weizenegger Insurance was discussed regarding the City's liability for the First Response Team wherein Mr. Weizenegger suggested sending the information to the City Attorney for his response. Clerk Buchite indicated she would like some direction from the Council. Councilmember Gallaway asked Fire Chief David Schlick about the written contract. Mr. Schlick said that they do not have a written contract but he had talked to several response teams and they are all working under the "Good Samaritan Law". It was the consensus of the Council not to send it to the Attorney.

Hospitalization insurance increases with Principal Mutual Insurance Company, which is the current carrier for the City, were discussed as well as hospital insurance rates through the League. MOTION NO. 9R-05-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER SWANSON TO REVIEW THE HOSPITALIZATION PLANS AND TO MAKE A DECISION WHETHER TO CHANGE TO THE LEAGUE INSURANCE. MOTION PASSED UNANIMOUSLY.

Clerk Buchite read an ordinance she had received from Crow Wing County stating that the Board of Commissioners had no objections to enactment of an ordinance by the City of Crosslake to issue permits for golf carts and four-wheel all terrain vehicles on designated roadways within the City of Crosslake. The Council requested that this be sent to Public Safety for their recommendation.

Clerk Buchite indicated that Police Chief Backdahl had pointed out the fact that refuse or garbage haulers in Crosslake needed a license. This ordinance has not been followed but since there is a new hauler in Crosslake it will be enforced beginning January of 89. MOTION NO. 9R-06-88 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER YATES TO HAVE THE CITY CLERK NOTIFY REFUSE HAULERS THAT A LICENSE IS REQUIRED TO PICK UP REFUSE IN THE CITY OF CROSSLAKE. MOTION PASSED UNANIMOUSLY.

Mr. Gordon Haugland had requested permission to run a hose across CSAH #6 to water trees and plants on the opposite side of the highway from his well. The possibility of using water from the fire department building was discussed briefly but there is not an exterior faucet there at this time. MOTION NO. 9R-07-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER ARENDS TO HAVE MR. HAGLUND CHECK WITH THE COUNTY REGARDING RULES FOR A HOSE CROSSING THE HIGHWAY. MOTION PASSED UNANIMOUSLY.

PARK AND RECREATION - Park Liaison Arends said Ms. Felber would not be at the Council meeting because she had a new class starting that evening.

Mr. Arends said he is in the process of getting dead bolts installed at the Community Center because of doors which have been found to be open.

PLANNING AND ZONING - Mr. Kingstedt presented the final plat of Hazel's Beach as recommended by the Planning and Zoning Commission. Mr. Kingstedt indicated no road deposit would be necessary. MOTION NO. 9R-08-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER YATES TO APPROVE THE FINAL PLAT OF HAZEL'S BEACH AS PRESENTED. MOTION PASSED UNANIMOUSLY.

The next item for discussion was the 5-room Inn for Lona Andolshek. Mr. Kingstedt stated that there had been a three hour Public Hearing in which both sides of the issue were heard on September 7, 1988. Testimony went into the record at that Public Hearing and at the request of all parties, the record was closed at the end of that meeting. Mr. Kingstedt stated that it was remanded to the Council and the Council should make their decision on the information they have.

Mayor Courts informed the Council that upon advice from the City Attorney he wanted to tell them that they should make their decision based only upon the fourteen conditions listed in the Code Book and not upon neighbor's objections or other personal feelings.

Councilmember Swanson stated he had studied the information at length and was ready to make a motion. Mr. Swanson stated that one of the reasons for his decision was the request to operate a business in a residential zone. Another reason mentioned by Mr. Swanson was according to the Code Book there should be 8 parking spaces or one and one-half spaces per rental room or unit. Another condition not met to the satisfaction of Mr. Swanson was screening from adjoining residential or public areas. MOTION NO. 9R-09-88 WAS MADE BY COUNCILMEMBER SWANSON TO DENY THE CONDITIONAL USE PERMIT FOR A FIVE-ROOM INN AS PRESENTED BY LONA ANDOLSHEK. MOTION WAS SECONDED BY COUNCILMEMBER GALLAWAY. Discussion continued as Ms. Gallaway stated her reasons for not approving the C.U.P. MAYOR COURTS ASKED FOR A VOTE BY RAISING OF HANDS. COUNCILMEMBERS GALLAWAY, SWANSON AND YATES VOTED AYE AND COUNCILMEMBER ARENDS VOTED NAY. MAYOR COURTS DECLARED THE MOTION PASSED. Discussion on the C.U.P. continued. Ms. Andolshek requested a copy of the minutes and was informed she would receive a copy when they were ready.

CEMETERY - Council Liaison Arends said he had talked again to Tom Woog about purchasing land for the cemetery but Mr. Woog had not talked to his brother.

UTILITIES COMMISSION - Chairman Dene Carney was present and stated there was nothing to bring before the Council. Councilmember Gallaway asked for information about the Gopher One Call system and was informed by General Manager Tony Mayer that it is one number to call for anyone wanting to dig so as to locate underground lines.

ROAD COMMISSION - Mr. Will Hoyt, City Engineer from Landecker and Associates, Inc. was present to review the bids which had been received and opened at

10:00 a.m. that day for road construction work on Daggett Bay Road and Milinda Shores Road. The bids were: Anderson Brothers of Brainerd for \$95,843.77 and Tri-City Paving of Little Falls for \$109,281.25. Mr. Hoyt said both bids were examined and found to be correct and both had bonds in them, so he was recommending to the Council to accept the bid from Anderson Brothers. MOTION NO. 9R-10-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER GALLAWAY TO APPROVE THE BID FROM ANDERSON BROTHERS OF BRAINERD FOR ROAD WORK ON DAGGETT BAY ROAD AND MILINDA SHORES ROAD AT \$95,843.77. MOTION PASSED UNANIMOUSLY. Mr. Hoyt said he was not sure when the Contractor would be starting work on the roads but it would be as soon as they could work it into their schedule.

Mr. Hoyt said the bridge work on Dream Island Bridge would probably commence at the end of September or beginning of October. There will be a pre-construction conference to make arrangements with the Police Department, Fire Department and Street Department. There will be a notice placed in the paper stating the time the bridge will be closed so residents will be informed.

Mr. Hoyt informed the Council that he had received a deed in the mail from the Stanley Johnsons giving the City 33 feet of right of way for the Daggett Bay Road project. Mr. Hoyt said he would like to have permission from the Council to proceed with construction if all easements are received so as not to delay the construction. MOTION NO. 9R-11-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER SWANSON TO GIVE THE CITY ENGINEER APPROVAL TO PROCEED WITH THE CONSTRUCTION ON DAGGETT BAY ROAD IF EASEMENTS ARE RECEIVED FROM ZILKA AND JOHNSON. MOTION PASSED UNANIMOUSLY.

Mr. Hoyt said the final assessment hearings for Daggett Bay Road and Milinda Shores Road could be held anytime after final costs are known and he recommended sometime in November. Mr. Hoyt said that they would not show up until the 1990 taxes.

Mr. Coulter said the beam on Milinda Shores Bridge has not been repaired and it needs to be since it has snapped in two. Mr. Hoyt said they know what needs to be done but they need direction and funds to proceed.

Chairman Scott Gallaway said the Road Commission was recommending to the Council to reject all bids on the loader at this time because the one they were interested in was sold.

FUNDING AND FUTURE DEVELOPMENT - Mr. Swanson said he had talked to Brian Marshall of the U.S. Postal Service and as of right now the new post office will be at the Old Log Landing site. Mayor Courts read a letter from the owners of the Crosslake Cafe opposing the relocation on grounds it would hurt the business places in the downtown section. Mayor Courts said many people have told him that they are opposed to having it moved so far from the heart of town. Mr. Swanson said the people need to give some input. Mr. Coulter said changing the location of the post office might give cause to changing of addresses again.

PERSONNEL - After a brief discussion, MOTION NO 9R-12-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER SWANSON TO HIRE BURTON LABORDE AS PART-TIME GRADER OPERATOR AT \$8.00 FOR GRADING AND \$9.00 FOR FINISH GRADING. MOTION PASSED UNANIMOUSLY. Mr. Swanson said that Mr. LaBorde had done a beautiful job on Sleepy Valley Road.

MAYOR'S REPORT - Mayor Courts said he would like to have Council approval to attend the Mayor's Conference at Virginia, Minnesota on October 1, 1988. MOTION NO. 9R-13-88 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER YATES TO APPROVE MAYOR COURTS ATTENDING THE MAYOR'S CONFERENCE ON SATURDAY, OCTOBER 1, 1988. MOTION PASSED UNANIMOUSLY.

Mayor Courts mentioned that filings for candidates closed on Tuesday September 13, 1988 and that he would be filing for the office of mayor.

Discussion ensued regarding giving the Councilmembers additional money for special meetings and/or public hearings called by the Council throughout the year. MOTION NO. 9R-14-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER SWANSON TO GIVE COUNCILMEMBERS \$20.00 FOR EVERY SPECIAL MEETING AND/OR PUBLIC HEARING CALLED BY THE COUNCIL IN ADDITION TO THEIR PRESENT SALARIES BEGINNING JANUARY, 1989. MOTION PASSED UNANIMOUSLY.

OLD BUSINESS - Nothing

NEW BUSINESS - Mr. Swanson said CSAH #36 has become a speedway since it was overlaid and some people even have trouble getting in and out of their driveways. MOTION NO. 9R-15-88 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER ARENDS TO HAVE THE CITY CLERK CHECK WITH THE CROW WING COUNTY HIGHWAY DEPARTMENT ABOUT SPEED ZONE CURVE SIGNS ON HIGHWAY #36. MOTION PASSED UNANIMOUSLY.

PUBLIC FORUM - Mr. Wes Felber said he felt Ms. Andolshek should be given a C.U.P. for her 5-room Inn since there is already a business located on that road.

MOTION NO. 9R-16-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER YATES TO ADJOURN THIS REGULAR COUNCIL SESSION AT 9:34 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:



Arlene A. Buchite
City Clerk/Treasurer