

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
REGULAR SESSION - September 14, 1987

The City Council of Crosslake, Minnesota held a Public Hearing on September 14, 1987 in the Council Chambers of City Hall. The following members were present: Mayor Oliver Courts, Councilmembers Elizabeth Andolshek, Lyle Arends, Diana Gallaway and Oliver Yates. There were approximately 28 citizens present.

Mayor Courts called this Public Hearing to order at 7:30 p.m. stating that the purpose for this Hearing was to accept or reject the Charitable Gambling Ordinance No. 14, Third Series and to act on the request from the American Legion Club for a Conditional Use Permit on land zoned as Residential 1 to build a club on.

Clerk Arlene Buchite read the Ordinance No. 14, Third Series. Mayor Courts asked for comments or recommendations from either the Council or the citizens present. There were none. MOTION NO 9PH-01-87 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER GALLAWAY TO ACCEPT OPTION NO 1, OF ORDINANCE NO. 14, THIRD SERIES AS READ BY CLERK BUCHITE RELATING TO CHARITABLE GAMBLING IN THE CITY OF CROSSLAKE. MOTION PASSED WITH COUNCILMEMBER ANDOLSHEK ABSTAINING. Ms. Andolshek said she did not understand the ordinance or what it was meant for and did not care to vote on it.

The next item was the Conditional Use Permit for the American Legion. Mr. Walt Hermerding spoke on behalf of the Legion stating that Legionnaires are good upstanding citizens. The Legion participates in such things as city wide cleanup, food shelf, Halloween, children's Christmas party, Easter egg hunt and other worthwhile things. Mr. Hermerding said they have plans to build a forty-two foot by eighty-four foot pole type building on the corner of County Road #3 and County Road #37. The Legion intends to have a closed club whereby a club member can only bring in five guests at one time and they would also like to have a hall which could be rented out for between three and four hundred people according to Mr. Hermerding. Mr. Hermerding said the Legion needs a place to hold meeting, keep their uniforms and weapons, to store their bingo tables and materials all in one spot and they would like to be able to sell pull-tabs. Mr. Hermerding said the Legion is a service agency and the money they raise goes back into this area or to help veterans or their families. He said this is the second request by the Legion to build in Crosslake.

Next the Council heard from Mr. Glenn Bennett and Dorothy Potz who stated that they felt the Legion should build on the land they already own by Fifty Lakes. Ms. Potz said that several of the Legion members have pulled out of the Club because of their request to build in Crosslake.

Councilmember Arends said he would like to see this referred back to the Planning and Zoning Commission. Mayor Courts said he also felt that the request should go back to planning and zoning because on page 212 of the Code Book it outlines the duties of the commissions, one of which states that the Planning and Zoning Commission should make a recommendation to the Council. Mayor Courts stated that there are 15 conditions listed

in the Code Book to grant or deny a CUP. Mayor Courts said everyone who wanted to be heard at this meeting would be heard but after everyone had spoken he would be sending it back to the Planning and Zoning Commission for their recommendation to the Council.

Marlowe Kingstedt, Planning and Zoning Coordinator said he was not hearing the comments at this Public Hearing that were heard at the Planning and Zoning meeting. Ms. Callaway said that since this was a public hearing she would like to hear any comments people might have so the Council can make a good decision after the Planning and Zoning Commission makes their recommendation to the Council.

Clerk Buchite indicated she had received three letters from nightclub and bar owners saying it would be a hardship to them to have a Legion Club which can sell liquor and set up cheaper and which does not have to pay taxes and licenses the same as the owners do. The bar owners feel it is unfair competition. Mayor Courts read the letters out loud.

Mr. Bob Mudek said the Council should also consider the situation that if the Club fails what can or would be done with that size building. Mr. Kingstedt stated when asked if the land went back to residential or if it could be sold as a garage or service station type business and Mr. Kingstedt said it would go back to residential. The CUP if granted would be for the Legion Club only.

Mayor Courts asked if the Legion members were polled or who makes the decisions for the club and was informed by Mr. Hermerding that the members vote. Mr. Hermerding said they have a few internal problems but most organizations do. Ms. Potz said the first vote was six to five to have the Club build near Fifty Lakes.

Robert Allen asked if this land was already zoned commercial if the City of Crosslake could stop the Legion from building and was informed that there would be no reason anyone could stop them.

With no further comments to be heard, MOTION NO. 9PH-02-87 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER GALLAWAY TO ADJOURN THIS PUBLIC HEARING AT 8:18 P.M. MOTION PASSED UNANIMOUSLY.

Mayor Courts called this regular council session to order immediately following the Public Hearing. All Councilmembers remained present.

The first item on the agenda was the Consent Calendar. MOTION NO. 9R-01-87 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER ANDOLSHEK TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF : (1) THE MINUTES OF THE AUGUST 10, 1987 REGULAR COUNCIL SESSION; (2) THE MINUTES OF THE AUGUST 26, 1987 SPECIAL COUNCIL SESSION; (3) THE CLERK TREASURER'S FINANCIAL REPORT FOR AUGUST, 1987; (4) THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR AUGUST, 1987; AND (5) THE CABLEVISION COMPANY'S FINANCIAL REPORT FOR AUGUST, 1987. MOTION PASSED UNANIMOUSLY.

CLERK'S REPORT - Clerk Buchite indicated she had received a memorandum from the League of Minnesota Cities regarding underground storage tanks and liability of the City and asked for direction as to how the Council would like it handled. Mayor Courts asked if anyone present knew how old the tank at City Hall was and no one seemed to know for sure. Pat Hoag said he thought the tank had been here since the building was built which was sometime in the 1950's. Mayor Courts asked Mr. Hoag to locate and try to determine how old all the tanks are that are owned or used by the City of Crosslake. Clerk Buchite indicated she had sent a copy of the memo to Weiznegger Insurance and asked them to check to see if the City has liability insurance for this.

The time schedule for the letting of bids for the remodeling of the new City Hall was discussed. Councilmember Gallaway said she would like to see the deadline and opening of the bids set for October 13, 1987 at the next regular council session. Ms. Gallaway also said she felt all contractors should view the building to see what was to be done. MOTION NO. 9R-02-87 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER YATES THAT SPECIFICATIONS FOR THE REMODELING AND CEMENT WORK ON THE NEW CITY HALL ARE TO BE AVAILABLE ON SEPTEMBER 21, 1987 AT 10:00 A.M. AND THAT A SPECIAL VIEWING OF THE BUILDING WILL BE REQUIRED BY ALL PROSPECTIVE BIDDERS ON OCTOBER 5, 1987 AT 1:00 P.M. AND THAT CONTRACTORS SHOULD CONTACT THE CITY CLERK'S OFFICE IF THEY NEED FURTHER INFORMATION AT (218) 692-2688 BETWEEN THE HOURS OF 9:00 A.M. AND 1:00 P.M. WEEKDAYS, AND THAT THE LAST DAY FOR SUBMISSION OF BIDS IS OCTOBER 13, 1987 AT 7:30 P.M. AND THAT THE CITY RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS AND THAT SPECIFICATIONS FOR BLACKTOPPING THE PARKING LOT AT THE NEW CITY HALL WILL BE AVAILABLE ON MONDAY, SEPTEMBER 21, 1987 AT 11:00 A.M. AND THAT THE LAST DAY FOR SUBMISSION OF BIDS IS SEPTEMBER 30, 1987 AND THAT BIDS WILL BE OPENED AT A SPECIAL COUNCIL MEETING ON SEPTEMBER 30, 1987 AT 10:00 A.M. AT CITY HALL AND THAT THE CITY RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS. MOTION PASSED UNANIMOUSLY.

Clerk Buchite indicated she had received a letter from the Department of the Army granting the City easement across a Government owned strip of land thirty feet in width in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot Three of Section Thirty for the use of residents in that area.

Councilmember Gallaway said she would like to have Council approval to purchase a gate for the Clerk's office and some signs and lights that would be needed for the new City Hall. MOTION NO 9R-03-87 WAS MADE BY COUNCILMEMBER ANDOLSHEK AND SECONDED BY COUNCILMEMBER GALLAWAY TO PURCHASE THE GATE FOR THE CLERK'S OFFICE, EMERGENCY EXIT LIGHTED SIGNS, EXIT SIGNS AND VARIOUS OTHER SIGNS NEEDED FOR THE NEW CITY HALL FOR APPROXIMATELY \$1300.00 COST. MOTION PASSED UNANIMOUSLY.

The service contract for the copy machine was discussed briefly. Ms. Gallaway said that she felt it is a waste of money because the City would already have \$1200.00 in service contracts if we had paid the \$240.00 that Office Supply was asking for the contract. Mayor Courts said that since the machine was five years old we should maybe consider purchasing the contract. No action was taken.

PARK AND RECREATION - Park Liaison Andolshek said that the next meeting of the Park Commission was being changed to September 16 instead of September 17 at 7:00 p.m.

Councilmember Gallaway requested that the Council be given copies of the Park Director's job description to attach to their Park Policy. Ms. Gallaway also said it bothered her that the City should subsidize some of the Park's activities such as the Dam Run and also that the T-shirts are going to have a year imprinted on them so they can not be used for subsequent years if there are not enough entrants in the events.

PLANNING AND ZONING - Mr. Kingstedt said he had spoken to the several persons including the surveyor regarding the Department of Natural Resource's platted leased properties on Greer Lake and Daggett Lakes. Mr. Kingstedt said these properties will be auctioned off and asking the City to approve or disapprove them is merely a formality so Mr. Kingstedt recommended that the Mayor and City Clerk sign off on the plats. Mr. Kingstedt maintained that most of the lots meet the minimum requirements for the City of Crosslake. MOTION NO. 9R-04-87 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER GALLAWAY TO ACCEPT THE RECOMMENDATION FROM THE PLANNING AND ZONING COORDINATOR TO HAVE THE MAYOR AND CLERK SIGN OFF ON THE DEDICATED PORTION OF THE DNR PLATS FOR DAGGETT LAKE AND GREER LAKE HOMESITES, AND TO APPROVE THE PLAT AS PRESENTED. MOTION PASSED UNANIMOUSLY.

CEMETERY - Cemetery Liaison Andolshek said she has received a request to have some lots which were purchased by the William Stowe, Jr. family in 1925 turned over to Archie and Evelyn LaSart. Ms. Andolshek said the transfer is within the family. Mayor Courts requested a written communication from the parties involved showing the transfer.

PUBLIC SAFETY - Nothing

TELEPHONE AND CABLEVISION - Commission Chairman Robert Turner said the commission reviewed the petition which the Council turned over to them at the last Council meeting and found that out of the approximately 131 signatures only 71 were cable television subscribers. Mr. Turner indicated that the Commission does not intend to pursue bidding on Channel 9 at this time.

According to Mr. Turner the bid for the fiber-optics was \$17,000.00 less than the Council approved.

Mr. Turner stated that the Council had before them a copy of an ordinance establishing a utilities commission ordinance. Mayor Courts asked Clerk Buchite to read the proposed ordinance and then for the Council to set a date for the public hearing on it. MOTION NO 9R-05-87 WAS MADE BY COUNCILMEMBER ANDOLSHEK AND SECONDED BY COUNCILMEMBER GALLAWAY TO HOLD A PUBLIC HEARING ON THE UTILITY COMMISSION ORDINANCE ON OCTOBER 8, 1987 AT 7:00 P.M. AT CITY HALL. MOTION PASSED UNANIMOUSLY.

Discussion ensued regarding the ordinance. MOTION WAS MADE BY COUNCILMEMBER GALLAWAY TO SEND THIS ORDINANCE TO THE CITY ATTORNEY FOR REVIEW AND HIS RECOMMENDATIONS. Motion died for lack of a second after Mayor Courts called for a second three times.

ROADS - Pat Hoag, Road Superintendent stated that there have been slow and sharp curve signs placed about a mile in on Pine Bay Road at the request of the Mayor after a lady ran off the road and into a ditch.

FUNDING AND FUTURE DEVELOPMENT - Nothing

PERSONNEL - Mayor Courts said he was setting up a meeting with all City employees for Monday, September 21, 1987 at 9:00 a.m.

Mayor Courts said when the articles in The Country Echo appeared after the last Council meeting he was very upset because of some of the information regarding the post office and leasing of the old city hall. He said when information is received after a meeting he wants to see disclaimers on that information.

Mayor Courts read a letter he had received from the post office officials stating that they may be interested in leasing just the land on which the old city hall sits but that they will probably build new since they want a building that will suffice for at least forty years. Mayor Courts said he had also received a call from a lady by the name of Carol Nelson who said that if a petition would be started to have the post office located on this site the postal authorities will usually listen and that she would go to bat for us. Mayor Courts said he was going to refer this back to the Funding and Future Development Commission and was going to appoint Mr. Arends and Ms. Andolshek to work with the Commission. They can set up meetings and check out all advantages including the possibility of renting the old city hall to a private party or get a petition going to see what the people want.

Mayor Courts stated that he was calling a special meeting for Thursday, September 24, 1987 to go over the budgets and to balance the budget. The possibility of creating a one percent gambling tax is being considered. The City or County may impose a tax up to three percent.

NEW BUSINESS - Nothing.

OLD BUSINESS - Councilmember Andolshek said the Crow Wing Power and Light Coop have put up a light on the intersection of County Road #6 and County Road #16 on a sixty day trial. If the City wants to keep the light there they will have to pay \$100.00 installation plus \$10.00 per month for the light. One Citizen present stated that the light seemed to take away your vision of the curves and perhaps the light was in the wrong place.

Councilmember Gallaway asked about the weather siren and was informed that it is now operational and will be tested the first Wednesday of each month at 1:00 p.m.

Clerk Buchite informed the Council that Ms. Andolshek wrote a letter stating what has been done to promote low income housing in Crosslake to see if Crosslake is eligible for an Urban Development Action Grant. We are awaiting a reply.

PUBLIC FORUM - Dorothy Allen asked what was being done about the City hiring an assessor and was informed that it looks like the best way is to retain the County Assessor for local assessments.

A citizen complained about the low flying airplanes in Crosslake. The consensus of the Council was that the Council has no jurisdiction over the air no more than they could stop boats in the water.

A citizen complained about the road that leads to the Robinson Estates Townhouses saying that it is the roughest road in Crosslake. The Council is aware of the problems with the road and agree that something should be done with it.

MOTION NO. 9R-06-87 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER YATES TO ADJOURN THIS REGULAR COUNCIL SESSION AT 9:53 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:



Arlene A. Buchite
City Clerk/Treasurer