

Crosslake City Council  
September 16, 1982 - 7:00 PM - SPECIAL MEETING

The meeting was called to order at 7:00 PM by Mayor Carol Coulter. Council members present were Andolshek, Anderson, Arends and Delmonico. She extended sympathy on behalf of the council to Lyle Arends on the death of his father.

The mayor stated that this meeting had been called as Bill Kimball had pointed out to Councilman Anderson that there have been some discrepancies in the matter of issuing conditional use permits as stated in our ordinance. Anderson read from the ordinance to regard to issuing conditional use permits, stressing the fact that public hearings shall be held. Anderson stated that he felt that if the ordinance so states this should be done. He stated that he has been counting on the Planning & Zoning Commission for the last 21 months to follow the ordinance and that they should be given a directive to follow the ordinance as written until the ordinance is changed.

Arends explained that a few years ago it was decided that no further conditional use permits should be issued for permanent living quarters as this would require renewal each year for the occupants. Anderson stated that at that time a public hearing should have been held and changed the ordinance so stating.

Arends stated that in regard to the conditional use permit that was requested at the meeting of September 13th, it would not be necessary as Don Christner has changed his mind on the property.

Anderson stated that the Commission has been doing a good job but he again stressed that the ordinance should be followed as written until such time as the ordinance is changed.

The matter of a medical office being issued a permit on Manhattan Beach Point was discussed.

**MOTION:** By Anderson and seconded by Delmonico that the Planning & Zoning be directed to follow the ordinance as written and if requires a public hearing hold the hearing until the ordinance is changed.

Upon the arrival of Charles Miller, Zoning Coordinator he explained that a permit had been issued for an addition to a house on Manhattan Point. He explained that in that house there may be some dental work performed one afternoon a week. The question was raised as to whether this would be considered a commercial business or not. Miller stated that the business would not employ anyone else. The discussion was continued to decide just where this would fit under the ordinance. Miller stated that there are letters giving consent from the abutting property owners.

Anderson explained the motion and why it was made in regard to hearings on conditional use permits before Mr. Miller arrived. Miller explained after Anderson read the ordinance as written that conditional use permits cannot be written when there are no conditions specified in the ordinance to be met. He stressed that this could not be upheld in court. Mr. Miller stated that he gained this information at a seminar which he attended where they stressed that conditions must be specified.

Mr. Solomon a member asked the question as to what are the conditions to permit it not what are the conditions to deny it. It was explained

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that the permit in question is no longer relevant as the party does not want the permit.

The question was raised as to whether a conditional use permit can be homesteaded for tax purposes.

Anderson suggested that when a part of the ordinance is found to be non-enforceable that action be taken to change the ordinance. Miller stated that if Anderson had come in and talked to him about the problems with the ordinance he would have understood what the Commission is up against and that he could have attended the meetings of the Planning and Zoning Commission.

Andolshek stated that hopefully the ordinance problems can be straightened out within the next two or three months.

Anderson asked what they are going to do until the ordinance is changed. He stated there are only two choices: either follow the ordinance or not issue any conditional use permits.

Anderson stated that he felt that the problem in issuing the conditional use permit on September 13th occurred due to breakdown in communication between Planning & Zoning and the council. He felt that if the explanation as given today had occurred on Monday that the council would not have approved the conditional use permit.

In discussing the question from Tom Herschback, member of Planning & Zoning, in regard to the purpose of public hearings, Miller stated that they are not a referendum from the people attending but just a chance for objections to be heard and that the Commission can vote as they see fit.

Kimball stated that as long as our law reads the way it does, it must be upheld whether it is enforceable or not. In answer to question from Mr. Solomon as to where the information was obtained that the ordinance was not enforceable, Miller replied that it was obtained from the State Planners who allow ordinances in the first place.

Andolshek stated that if there is anyone in the audience who wishes to attend the Funding & Future Development meetings in which matters like this will be discussed she will put them on her meeting notice list.

Anderson again asked the question as to whether the council did right or wrong in approving the conditional use permit on Monday night. Arends stated that this could be re-zoned for residential. If this was done hearings would be required, and by the time the other requirements were met it would take about three months.

It was agreed that if Christner does apply for a permit then a public hearing will be held and a conditional use permit will be issued. It was decided that the city should consult Randy Hanson in this matter.

MOTION OF SEPTEMBER 13, 1982: Rescinded by Anderson and Andolshek to issue a conditional use permit. MOTION: By Anderson and seconded by Delmonico to hold a public hearing in regard to the Christner property and that the party re-apply for a permit to the City Council.

Arends was instructed to meet with the city clerk and set a date for

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the public hearing.

MOTION: By Andolshek and seconded by Delmonico that the meeting be adjourned. The meeting was adjourned.

Respectfully submitted,

Jan Laughlin, Clerk-Treasurer