

SPECIAL COUNCIL MEETING
CITY OF CROSSLAKE
TUESDAY, SEPTEMBER 28, 2010
9:30 A.M. - CITY HALL

The Council for the City of Crosslake met in a Special Session on Tuesday, September 28, 2010 at City Hall. The following Councilmember's were present: Mayor Jay Andolshek, Steve Roe, Dean Swanson, Rusty Taubert and John Moengen. Also present was City Administrator Tom Swenson, Park and Recreation Director Jon Henke, Police Chief Bob Hartman, Community Development Director Ken Anderson, Public Works Director Ted Strand, General Manager Paul Hoge and Clerk/Treasurer Jennifer Max. There were approximately ten people in the audience.

1. Call to order – Mayor Andolshek called the special meeting to order at 9:32 A.M.
2. Bills for Approval – MOTION 09S2-01-10 WAS MADE BY JOHN MOENGEN AND SECONDED BY RUSTY TAUBERT TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$34,313.33. MOTION CARRIED WITH ALL AYES.
3. Ken Anderson gave a brief recap of the unpaid subdivision and zoning charges for Dean and Judy Eggena and David Nevin and the information that has been provided to the City Council as previously requested. Mr. Anderson stated the City Clerk prepared an itemized spreadsheet that outlines the detail of fees incurred by the City for legal and engineering costs. Based on the detail the total amount incurred by Dean and Judy Eggena is \$4,020.58 and the amount incurred by David Nevin is \$1,897.50. Mr. Anderson also noted that the City Attorney and City Engineer each prepared a memo that outlines the work they completed to justify the fees incurred. Mr. Anderson pointed out the 2006 fee schedule included in the Council packet that states “Costs incurred for Engineering, Legal and other services necessary for application review must be paid by the applicant.” Councilmember Moengen commented that his intent with reviewing the fees in question is to help make the City’s process better and to provide more disclosure to the applicant about potential fees that may be incurred if they choose to move forward with a project. City Attorney Mike Couri noted that he usually becomes involved with an application when the staff is unclear on how to interpret an issue or how to apply an ordinance requirement based on the specific circumstances of an application. Since early 2009 the Planning and Zoning staff is requiring an applicant to sign a statement that informs them that they are responsible for all professional costs the City incurs in reviewing an application. The Council held a lengthy discussion on how much time the City has to review an application when it is submitted and the timeframes for billing professional costs incurred to the applicants. Councilmember Roe said that he feels it’s important for the applicant to receive an accounting of the detail of fees they are being charged and for the City to provide that in a timely manner.

Dean Eggena, 14495 Daggett Pine Road, was present and asked various questions of the Council. The Council held a lengthy discussion on who has the authority to call the City Attorney or City Engineer and incur fees and also if there is a

checklist used when an application is submitted for review by the Planning and Zoning Department. Mr. Anderson commented that the City has a Council approved checklist that meets Minnesota Statutes Chapter 505 requirements which includes having a surveyor and engineer review plat applications. Mr. Eggena stated he feels very vulnerable as a citizen when dealing with the City because he wasn't given any forewarning that charges incurred by the City would be his responsibility. The Council thanked Mr. Eggena for his time.

David Nevin, 15024 Wilderness Trail, was present and asked various questions regarding his previous subdivision application including park dedication fees and personal attorney fees incurred as a result of City ordinance requirements such as adding a public road behind his property. Mr. Couri noted that City ordinance requires the City to review a subdivision application to see if a public road should be added to allow access to property beyond an applicant. Mr. Couri also stated it is the City's job to remain neutral with respect to applications that come in so they don't appear to favor one development versus another. Councilmember Roe commented that in the essence to be fair, we owe it to the residents to show them what the law is without telling them what to do.

Cary Shoutz, 16172 County Road 36, was present and stated that he would like to see City Staff provide more information to applicants which will allow them to make the best decision for themselves. Mr. Shoutz mentioned he had a similar experience with his previous two subdivisions in which he paid \$216 for review fees for one and which he paid \$2,100 in review fees for another. Mr. Shoutz stated he felt that the information he provided to the City was sufficient enough to not need a second review by the City Attorney or City Engineer, but he was charged nonetheless. Mr. Shoutz suggested the Council take a look at the County's new process in their planning and zoning department because they were in a similar situation where customers felt they were difficult to work with and decided a change was necessary. The Council thanked Mr. Shoutz for his time.

After various discussion, MOTION 09S2-02-10 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO TABLE THE OUTSTANDING SUBDIVISION AND ZONING FEES FOR DEAN AND JUDY EGGENA AND DAVID NEVIN. MOTION CARRIED WITH ALL AYES. The Council requested City Staff to set a joint meeting date with the Planning and Zoning Commission to review the City fee structure and address the billing issues related to the unpaid subdivision and zoning fees for Dean and Judy Eggena and David Nevin.

4. A memo dated September 28, 2010 from Ken Anderson regarding consideration of legal action on three properties with non-compliant septic systems was included in the packet for Council review. Mr. Anderson stated that three properties have septic systems that fail to meet City ordinance requirements and requested the Council authorize the City Attorney to proceed with enforcement action. The City had 44 non-compliant septic systems in 2002 and is currently down to only three. MOTION 09S2-03-10 WAS MADE BY STEVE ROE AND SECONDED BY RUSTY TAUBERT TO INITIATE FURTHER ENFORCEMENT ACTION AGAINST JERE MILLER, VIRGINIA MAHONEY

AND DALE AND VICTORIA WHITEIS FOR THEIR OUTSTANDING NON-COMPLIANT/FAILING SEPTIC SYSTEMS WITHIN THE CITY OF CROSSLAKE. MOTION CARRIED WITH ALL AYES.

5. A memo dated September 28, 2010 from Ken Anderson regarding an ordinance amendment to consider revising the number of lake access paths allowed on shoreline properties was included in the packet for Council review. Mr. Anderson noted that currently City ordinance allows one access path for every 100 feet of frontage with no maximum. After various discussion, MOTION 09S2-04-10 WAS MADE BY DEAN SWANSON AND SECONDED BY JAY ANDOLSHEK TO RECOMMEND THE PLANNING AND ZONING COMMISSION CONSIDER ADDING LANGUAGE TO THE CITY ORDINANCE THAT LIMITS THE NUMBER OF LAKE ACCESS PATHS AT ONE (1) FOR EVERY 100 FEET OF FRONTAGE NOT TO EXCEED TWO (2) PER LOT OF RECORD. MOTION FAILED 2:3 WITH COUNCILMEMBERS MOENGEN, TAUBERT AND ROE OPPOSED. It was the consensus of the Council not to proceed with further action at this time.
6. A memo from the Personnel Committee dated September 28, 2010 regarding removing Jenny Max from probationary status was included in the packet for Council review. MOTION 09S2-05-10 WAS MADE BY DEAN SWANSON AND SECONDED BY JOHN MOENGEN TO APPROVE REMOVING JENNY MAX FROM PROBATIONARY STATUS AND BE PLACED ON REGULAR, FULL-TIME STATUS EFFECTIVE SEPTEMBER 21, 2010. MOTION CARRIED WITH ALL AYES.

There being no further discussion, MOTION 09S2-06-10 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO ADJOURN THIS SPECIAL MEETING AT 11:48 A.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,


Jennifer Max
Clerk/Treasurer

Deputy Clerk/Minutes/9-28-10 Special.doc

BILLS FOR APPROVAL
28-Sep-10

VENDORS	DEPT		AMOUNT
Ace Hardware, spray paint	PW		27.22
Ace Hardware, hardware	PW		3.61
Ace Hardware, hardware	PW		37.47
Ace Hardware, stain	P&R		25.64
Ace Hardware, grass shear	P&R		18.16
Ace Hardware, anti freeze, keys	P&R		12.55
Ace Hardware, gfci cover and receptacle	P&R		16.96
Alex Senst, referee	P&R		100.00
Ameripride, mats	PW		99.63
Anderson Brothers, class 5	PW		528.53
AW Research, water test	Sewer		131.40
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BLADC, half pymt yearly contribution	Gov't		1,275.00
Branerd License Office, tax and license for trailer	PW	pd 9-22	579.64
Chemsearch, maxi lube	PW		440.56
City of Crosslake, zoning permit	P&R		50.00
Crow Wing County Highway Department, fuel	ALL		3,328.00
Crow Wing County Recorder, filing of easement	PW		66.00
Digital Ally, battery packs	Police		97.50
Don Wallin, straw	PW		150.00
Dondelinger, vehicle repairs	PW		1,134.87
Grand Forks Fire Equipment, boots	Fire		5,525.00
Grand Forks Fire Equipment, swivel, plug	Fire		302.80
Greg Larson Sports, striping paint	P&R		128.23
Holiday Inn Express, lodging for conference	Fire		701.64
Holiday Station, anti freeze	Police		10.68
Intoximeters, mouthpiece	Police		96.19
Jeff Wurdeman, referee	P&R		37.50
Jon Eclov, referee	P&R		187.50
Karen Senst, referee	P&R		50.00
Lakes Area Rental, shroud	P&R		27.91
League of MN Cities, fitting jobs to staff course	Admin		15.00
League of MN Cities, membership dues	Gov't		1,960.00
League of MN Cities, regional meeting	Admin		40.00
Marco, copier lease	ALL	pd 9-20	396.42
Martin Communications, radio with charger	Fire		465.98
Mastercard, Office Max, ink, paper	P&R		73.26
Mastercard, Office Max, ink	P&R		137.41
Mastercard, Raffertys, p and z meeting	P&Z		64.09
Mastercard, Zorin Material, rolling ladder	Library		358.00
Menards, concrete, fence, rod	PW		113.18
MMUA, supplies for fire extinguisher training	Gov't		150.51
MN State Fire Chiefs Assn, annual conference	Fire		400.00
MN T's, soccer uniforms	P&R		323.70
North American Salt Co, street salt	PW		9,426.69

