

Crosslake City Council
Regular Meeting - October 13, 1980 - 7:30 PM

The regular meeting of the Crosslake City Council was called to order by Mayor Charles Whisler at 7:30 PM. Councilmen present were Arends, Andolshek, Benson and Delmonico. There were about 40 members of the community present.

On a motion by Andolshek and seconded by Delmonico the minutes of the regular meeting of September 8, 1980 were accepted. On a motion by Andolshek and seconded by Delmonico the minutes of the special meeting of September 19, 1980 were accepted. On a motion by Delmonico and seconded by Andolshek the Treasurer's reported for September was accepted by all. On a motion by Delmonico and seconded by Andolshek the Telephone Company's financial report was accepted by all.

The agenda was altered so that the council could act on the Dove-Eppel request for a commercial permit to operate a part-time body shop. The mayor read a section from the Planning Commission's minutes that stated, "After more discussion it was recommended by the Planning and Zoning Commission that the City Council give permission to grant a permit for Duane Eppel to build his garage as requested. The motion was made by Lindquist and seconded by Wilske, the motion carried and the vote was unanimous."

A petition was presented to the council by W. A. Horning signed by 16 people, 11 of whom were within 500' of the property under discussion, and a letter from Mr. & Mrs. Daniel Linn. These eighteen people were voicing their objection to the said use of the property in question. Mr. Horning again stated, as he did at our previous meeting, that this type of business should be classified for industrial zoning. Mr. Jim Schumacher a nearby property owner asked if the permit application was for a conditional use permit. Eppel and Holker, Zoning Coordinator, replied that the permit in question was only for a garage as he will only be doing part-time work there as he is fully employed but wanted to buy in a commercial area so that his home could be close to his work so that he could run over there when he was not working to do a few hours work. Mr. Holker stated that in his judgement it does not require a conditional use permit. Charles Miller, a member of Planning and Zoning Commission, stated that 3.042 of the ordinance of the city under the Commercial Uses it states that "permitted uses include, but are not limited to the following" and it should be up to the council to decide if the part-time body shop fits under this category. Again it was stated by the mayor that most of the people objecting to the commercial use of this property were the original signers of a petition in 1973 requesting that this area be zoned commercial. Dorothy Allen again stated that this was because their turkey farm could not get an agricultural rating. Mr. Dove stated that if a person buys a piece of property that is zoned commercial and the city will not let him have a commercial business what is that person to do.

On a motion by Arends and seconded by Delmonico that the council accept the recommendation of the Planning and Zoning Commission to issue a commercial permit to Duane Eppel for his garage. Benson suggested that the city attorney be consulted before acting on this matter, and Andolshek agreed with Benson. On the motion as previously stated to issue the permit, Whisler, Delmonico and Arends, voting "AYE", Benson and Andolshek voting, "NAY" the motion carried.

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Mr. Tom Bzoscie, a member of the community, appeared to appeal the decision of the Planning and Zoning Commission, as to the need of taking out of a permit for work that was done on his property on the lakeshore and to protest the penalty imposed. The mayor read from the Planning Commission minutes of their last meeting which listed the dates of the first notice given to Bzoscie early in June, of the need for obtaining a permit under 3.0616 of our zoning ordinance, in July he found that the work was already being done and no permit had been taken and informed Bzoscie again that a permit was necessary. Bzoscie informed Holker, Zoning Coordinator, that he had forgotten and would be in that Friday to take out a permit. He did not do so. On July 28th he was informed by letter that on August 4, 1980 the \$25.00 permit would be due plus a \$100.00 penalty. On August 1, 1980 he informed Holker that he refused to take out a permit. On August 7th he was informed by letter of the penalty and his right to appeal. On September 25th he was sent a letter stating that on October 6, 1980 the matter would be turned over to the County Attorney. After a discussion the Planning and Zoning Commission on a motion by Kolinski and seconded by Dove to impose the penalty and permit fee. The motion carried and the vote was unanimous. Mr. Bzoscie then stated that he would take the matter to the council for an appeal.

Holker explained that Wannebo was under the impression that Bzoscie had a permit and that the fine was imposed against Bzoscie and not the contractor as is usually the case because of this. Jack Gentry, former Zoning Coordinator, reminded the council that Bzoscie had done essentially the same thing that Agnes Miller did and that the Council did not uphold the Planning Commission decision in regard to her work on her property. Don Wilske, a member of the Planning Commission, said in the Miller case she had not been informed when the work was being done that a permit was needed as was the Bzoscie case. When Mrs. Bzoscie inquired why some people are allowed to do this kind of work without a permit and others not, Benson questioned the reason the city is requesting a permit for this kind of work. Mr. Tom Richardson stated he would like to have an answer to this question also. The mayor then posed the question as to why Bzoscie had not objected in June to the matter of taking out a permit. Holker then read from our the Zoning Ordinance Sec. 3.0616 Shoreline Alterations, and he explained the difference between landscaping and construction. Molinski, a member of the Planning Commission stated that in deciding this case they went by the facts and the Ordinances and that any thing that took place in the past they should not be held responsible for. On a motion by Arends and seconded by Andolshek that the council deny the appeal of Tom Bzoscie and that the decision of the Planning Commission be upheld. Benson suggested that the council disregard the \$100.00 penalty. The mayor reminded Benson that the motion had already been seconded and would have to be voted on first, and should the motion not carry another motion could be re-stated. On the motion as previously stated by Arends and seconded by Andolshek, Arends, Andolshek and Whisler voting, "AYE", and Delmonico and Benson voting, "NAY", the motion carried. The mayor reminded Tom Bzoscie that he still has one more avenue of appeal and that is to take his case to district court.

Dr. R. Uppgard, representing the Whitefish Property Owners appeared to explain the decision of the Whitefish Property Owners Board

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of Directors to have a study conducted to determine whether the Whitefish Chain of Lakes has a water quality problem. On a motion by Delmonico and seconded by Arends that a resolution be drawn up expressing the City of Crosslake as a government unit wants to sponsor this feasibility study by requesting the grant as recommended by the Whitefish Property Owners' Board of Director. The mayor requested that Benson act as the council liaison with the Whitefish Property Owners in this matter and Benson agreed to do so.

On a motion by Benson and seconded by Andolshek that the clerk be instructed to write to all of the congressmen in regard to the Revenue Sharing Fund legislation as outlined by the League of Minn. Cities. All members voting, "AYE", the motion carried.

The clerk stated that she had an application from the Crosslake Youth Hockey Ass'n. for a Bingo Permit to be played at Moonlight Bay on October 18th, 1980 from 6:00 PM to 9:00 PM. On a motion by Andolshek and seconded by Delmonico that a Bingo Permit be issued as stated above. All members voting, "AYE", the motion carried.

The clerk announced that the following persons had filed for office:

<u>Mayor</u>	<u>Councilman (2 openings)</u>
Ron Zilka	Lyle Arends Jack Lindenberg
Carol Coulter	Kurt Anderson August Mezzenga

On a motion by Delmonico and seconded by Andolshek that the city accept the recommendation of Thomas Farm of Olson, Thelen & Co., Ltd. on the distribution of funds on an annual basis of the Telephone Company. All members voting, "AYE", the motion carried.

Mr. Arends reported that he, Benson and Delmonico had a meeting with the architect in regard to renovating city hall. Mr. Benson stated that he and the city clerk had been checking into ways of financing the proposed renovation and that he would like to table the matter for another month as some of the information had just been received today and he would like to turn it over to Auditor Don Engen for his opinion of how the city should handle this financing.

Benson stated that the opening of bids for the new city truck was held at city hall on September 22, 1980. The low bid and the one he recommended that the council approve was one from Northland Truck of Brainerd an International Harvester dealer. The amount was \$15,945.00 with delivery approximately 90 days and it meets all specifications. The difference between the truck bid by Gene Drong of Dick Youngberg Chevrolet of Little Falls and the Northland bid was discussed by Mr. Drong and the IH dealer. Mr. Benson stated that his decision was based not only on price but that the Brainerd company was a local dealer. On a motion by Benson and seconded by Arends that the council accept the bid of Northland Truck of Brainerd. All members voting, "AYE", the motion carried.

Andolshek stated that our fire department will be hosting a dinner for the Cuyuna Range Firemen's Association on Thursday, December 4, 1980 and that they would like to have it at our Community Center. They have asked permission to serve beer. Tom Woog, Chairman of the Park Board, had called the mayor and stated that the Park Board was in favor of issuing the 3.2 license for this meeting.

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On a motion by Andolshek and seconded by Benson that the city issue a two day 3.2 license for the Cuyuna Range Firemen's Association dinner. Delmonico strongly objected to granting this license as he stated that it was not too long ago that the children of our city had no place to go where liquor was not served. He stated that a motion had been made and carried a while ago that no liquor be served at the park. Benson stated that he felt about the same as Delmonico but he was going to vote for it in this case. He felt that the Park Commission must have changed their stand on prohibiting liquor and that the Park Commission should state their feelings again on this matter. Delmonico stated that this might be true but it was this same council that had passed the motion on no liquor at the park. Hildor Foss suggested that if the city was going to make exceptions after passing a motion where could this lead to. Delmonico again stated that he felt it was a shame that there will be no place the children in this town can go where liquor is not served and that we are probably setting a precedent by granting this license and soon the ballplayers will be asking permission also. On this motion as previously stated above, Whisler, Arends, Andolshek and Benson voting, "AYE", and Delmonico voting, "NAY", the motion carried.

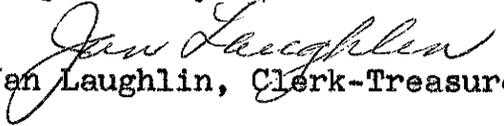
Arends stated the the Planning and Zoning Commission meeting had decided that John Lindholm had built a deck without a permit and the the commission had decided that he would have to pay the penalty plus the permit fee.

Andolshek stated that on the housing for the elderly HUD-202 grant there were no funds available until next July and that we would have to re-apply.

Ed Perkins, a member of the community, appeared to state that he is very unhappy with the grading of his road as the natural drain has been eliminated. The water now drains straight down his driveway and he knows there will be a serious problem when we have wetter weather. Pat Hoag, road superintendent, stated that there is a problem but he does not know of a good solution. Benson and the mayor instructed Pat to look at the road again with Mr. Perkins and try to solve the problem and if ^{it} would take some major work it could probably be done.

On a motion by Delmonico and seconded by Arends the motion carried and the meeting was adjourned at 9:28.

Respectfully submitted


Jan Laughlin, Clerk-Treasurer

City of Crosslake
ROUTE 1, BOX 1
CROW WING COUNTY
CROSSLAKE, MINNESOTA 56442

October 13, 1980

RESOLUTION

WHEREAS, the chief industry of the Whitefish area is tourism,
and

WHEREAS, tourism depends greatly on the purity of our waters
for fishing, swimming and allied water sports, and

WHEREAS, our personal and individual enjoyment of our area
depends on keeping our waters clean, and

WHEREAS, only continued vigilance on our part will prevent
our waters from becoming polluted, now therefore

BE IT RESOLVED, the city council of the City of Crosslake
wholeheartedly and unanimously goes on record as endorsing
a plan to submit an application to the State of Minnesota
for a Land Use Planning Grant to conduct a study to determine
the possible sources of effluent entering our chain of
fourteen lakes, and

BE IT FURTHER RESOLVED, the city council of the City of
Crosslake goes on record as urging all our neighboring cities
and townships to lend their support to our efforts.

Voting "AYE": Whisler, Arends, Benson
Andolshek & Delmonico

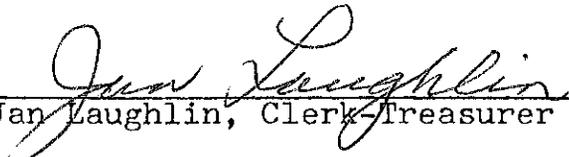
Voting "NAY": None

Approved.



Charles E. Whisler, Mayor

Attest:



Jan Laughlin, Clerk-Treasurer