

COUNCIL PROCEEDINGS
Crosslake, Minnesota
REGULAR SESSION - November 12, 1984

The City of Crosslake, Minnesota met in a regular session on November 12, 1984 in the Council Room of the Municipal Building at 7:30 p.m. The following members were present: Councilman Allen, Anderson, Nelson, Arends and Mayor Bieber. There was approximately 35 members of the community present. Mayor Bieber opened the session by welcoming and introducing the two gentlemen elected to serve on the council Mr. Thomas Douglas and Oliver Yates who will be taking office January 1, 1985. The agenda was introduced thereafter.

CONSENT CALENDAR - MOTION NO. 11R-01-84 was introduced by Councilman Nelson that the minutes of October 8, 1984 of the regular session be approved. SECONDED BY Councilman Arends. Discussion was held and Mayor Bieber requested correction to page 2 under the Mayor's report where it read..!"it was considered that the maximum levy would not alter the mil rate to any large degree." That the "to any large degree" was not stated and should be stricken. Mayor Bieber also clarified the statement of Councilman Nelson, Personnel Liaison, attending the Telephone Companies wage negotiations but explained that he would not be involved with the negotiations but sit in on these meetings so he knows what is going on. Upon roll call vote Councilmen Allen, Arends, Nelson and Anderson voted in favor of said motion with the correction and clarification and Mayor Bieber declared the motion carried.

The City financial report was introduced and Mayor Bieber clarified the expenditure report of the Fire Department that the 102.51% shown is actually only 72.809% when the dedicated funds are deducted. This is also the situation with the Street Department where the percentage shows a 140.39% expenditures and actually is only 84.521% after dedicated funds were deducted. MOTION NO. 11R-02-84 was introduced by Councilman Arends that the financial report for the City of Crosslake be accepted as presented. SECONDED BY Councilman Anderson. Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

The Telephone Co. financial report was introduced and Mayor Bieber stated that once the Cable Television project is completed it may be requested that a more detailed financial report be submitted. MOTION NO. 11R-03-84 was introduced by Councilman Nelson that the Telephone Co. financial report be approved. SECONDED BY Councilman Arends. Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

CLERK'S REPORT The problem with the recorder was introduced by Clerk/Treasurer Gallaway as requiring repairs again as the rewind is not working and was requested that the purchase of a new recorder for the meetings be considered. MOTION NO. 11R-04-84 was introduced by Councilman Arends to allow Clerk/Treasurer Gallaway to purchase a new recorder. SECONDED BY Councilman Nelson. Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

MAYOR'S REPORT

Mayor Bieber opened his report by announcing

MAYOR'S REPORT CONTINUED

the opening position of our Planning and Zoning Coordinator. It was stated that this was Mr. Donaldson's last evening as the Coordinator. Was requested that the council decide on the advertising of such position within the shopper and the legal newspaper for the receiving of applications for the Planning and Zoning Coordinator position. MOTION NO. 11R-05-84 was introduced by Councilman Allen that the City Clerk/Treasurer Gallaway be given permission to advertise in the shopper and legal newspaper for the Planning and Zoning Coordinator. SECONDED BY Councilman Anderson.

Discussion followed regarding the advertisement with relation to time limitation which was given of December 1, 1984 and from which Councilman Nelson was given the responsibility to perform interviews with such applicants. Was requested that Chairman Gallati take over during the interim period until the December council session where the Coordinator would be appointed. Mr. Gallati accepted such position. The position was described to be a part-time position with a salary to be paid on a commission basis and that such person applying should be MPCA certified. Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

An employee policy for year 1985 for the City of Crosslake was introduced for suggestion and that a meeting be scheduled between Councilman Nelson, Chairman Fraser of Public Safty, Telephone Manager Mayer and Chairman Fraser of the Telephone Commission to come up with a policy for presentation at the next council session. Was suggested that the Comparable Worth be considered with establishing the employee policy.

The bond issue on the financing of the city hall remodeling was introduced. Mayor Bieber stated that he did speak with the County Auditor Bye regarding the referendum and the bond issue and what would be involved and was considered that we are perfectly capable of having one. The situation of the voters of the community being out of town and how to get the bond issue out to all people concerned was questioned. Was considered that a letter be sent to all taxpayers regarding the vote so that citizens absent from the City could obtain absentee ballots. A letter received from County Auditor Bye on the things we should do and those we should not do was turned over to the City Attorney and Mr. Fitzpatrick feels there is no reason not to proceed. Was suggested the vote be held around February 15 which should allow enough time to proceed. MOTION NO. 11R-06-84 was introduced by Councilman Nelson that we proceed within the manner suggested with the date for voting as close to February 15 if possible with the reason for the bond issue to be for the remodeling of City Hall with the costs not to exceed \$100,000. That once the specifics are established regarding the vote that the tax payers within the City receive a letter regarding the issue and voters applying for absentee ballots. SECONDED BY Councilman Arends.

Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

The Ambulance was reported on with 2 calls within Crosslake, 1 - Manhattan Beach (Fire Call), 1 - Ideal Corners and 1 - Fifty Lakes. The Police Department was reported on with 35 calls for October with Chief Backdahl working 177.5 hrs, Officer Coulter 197.5 hrs. and Officer Leonard working 183 hours.

MAYOR'S REPORT CONTINUED: The situation with the Rosequest/Sutherland complaint which was turned over to the City Attorney Fitzpatrick was reported on. The City Attorney wrote the plaintiff's attorney supporting the cities stand on the Rosequist/Sutherland complaint. Such file was turned over to the Clerk/Treasurer.

The file on the White Island Beach Plat which was discussed and adopted at the October regular session with a stipulation involving an agreement was reported on. Mayor Bieber stated that a rough agreement has been drawn up between the City Attorney Fitzpatrick and the attorney representing the owner of White-Island Beach Property and such rough agreement will be on file with the City Clerk.

BUILDING - No further report.

CEMETERY - Reported two burials within the month and introduced the new cemetery plat board.

FUNDING & FUTURE DEVELOPMENT - Mayor Bieber reported on the last meeting in which a long discussion was held on industrial development within Crosslake. It was a spirited meeting of business men and they have scheduled their next meeting for November 29, 1984.

PARK - Mr. Bill Hieserer reported that the hockey program is started and looks successful and the teams have been coordinated. The sprinkler system is basically completed with the only outstanding expenses being the electrical and the supervisory expense of Bob Anderson.

Was further reported that Chairman Pruesser resigned and that the Commission voted Mr. Hieserer as Chairman. Was also noted to the public and the council that the Park Commission is considering changing their meeting date of the second Tuesday in the month to a different date to get ahead of the council meeting date.

PERSONNEL - no report.

PUBLIC SAFETY - Chairman Fraser reported that Mr. Walt Hermerding from the Corp. of Engineers installed two more dry hydrants by the Bait Box bridge and Fisherman's bridge. The hydrants will be used by the pumper truck for the four inch hose. These hydrants will be able to cover quite an area and Mr. Hermerding's efforts are to be commended. A letter of appreciation was suggested and Chief Garin stated that he would be doing a letter of such.

Was further reported that during the Manhattan Beach fire three nozzles were lost at a cost of \$251.00 each. An attempt to get the nozzles back was ventured but to no avail. Was suggested that a check into insurance coverage be made. MOTION NO. 11R-07-84 was introduced by Councilman Nelson that we purchase the three nozzles required at the \$251.00 each. SECONDED BY Councilman Arends. Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

Was reported that Chief Backdahl recommended Officer Coulter for a ten year meritorious service award. This was approved by the Commission. Also the American Legion are going to be placing "Protect Our Children - Drive Slow" signs at the entrance

PUBLIC SAFETY CONTINUED:

roads into the city.

The fire contracts with Manhattan Beach and Fairfield Township was discussed with updating and provisions established within such contracts for adverse weather conditions giving authority from the city council to waive such responsibility where conditions prohibit. Such provision and contract will be discussed with City Attorney Fitzpatrick for our next agreements due in January 1985.

PLANNING & ZONING - Coordinator Donaldson reported on the Bon Repoz public hearing of September 21, 1984 and read such report and the objections stated at such time regarding the development. Mr. Landecker and Mrs. Bea Gunelson were present to address any questions. Two items were noted and that being that the presentation given and now requesting council approval is the same presentation as presented to the council at the August 13, 1984 meeting and at the public hearing and that no variances would be required from the City to establish such development. Questions were raised on the number of docks the DNR would authorize and if there would be a requirement for a environmental impact study. Both questions were negatives as the DNR would be involved only if the land was subdivided and that there is no requirement for the study. MOTION NO. 11R-08-84 was introduced by Councilman Nelson that we approve the Bon Repoz development as presented at the August meeting. **SECONDED BY Councilman Arends.**

Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

MACHINE SHOP PERMIT

The Conditional Use permit the Commission recommends for the machine shop Mr. Al Knutson wishes to place in a Commercial Zone is objected to by Mr. Knutson. Some facts were cleared as to the fact that such a permit is not renewable each year but is governed by Section 8.70, Subd. 4., C of the City ordinance. The conditions were placed on the issue of noise and vibration with concern expressed of the public located within the vicinity. MOTION NO. 11R-09-84 was introduced by Councilman Arends that we grant permission for the machine shop with the conditions. Councilman Arends withdrew his motion. MOTION NO. 11R-10-84 was introduced by Councilman Anderson that we issue the permit without the conditional use attached. **SECONDED BY Councilman Arends.** Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

WELDING SHOP PERMIT

MOTION NO. 11R-11-84 was introduced by Councilman Anderson that we accept Planning & Zoning Commission recommendation with regard to G. Bohall permit to operate a welding shop under the conditional use permit. **SECONDED BY Councilman Allen.** Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

ZONING MAP

Will be presented at the December meeting.

A round of applause was given for Mr. Donaldson for the job well done as stated by Mayor Bieber. Mr. Donaldson accepted such and so stated that he has been honored by meeting many good friends from this job.

ROADS - Mayor Bieber reported that Mr. Lager will be taking over the responsibilities of Chairman during the absence of Mr. Kocon who will return in April.

MOTION NO. 11R-12-84 was introduced by Councilman Arends that the 5 horse power blower of Mr. Joseph Doerfler at a cost of \$300.00 be purchased. SECONDED BY Councilman Anderson. Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

PHILLIP 66 (MEGACLEAN) Mayor Bieber interjected an item regarding the gas pumps at the old 66 gas station and the steps taken to ensure the safety of the pumps. The spouts have been plugged with cement and the Fire Marshall now requires the City to send in writing a letter granting such a variance. Chief Garin stated that he felt this was sufficient safety coverage. MOTION NO. 11R-13-84 was introduced by Councilman Arends that we grant Dave Rieke a one year variance on the gas tanks under the driveway of his property pending approval of the Fire Marshall. SECONDED BY Councilman Allen. Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

TELEPHONE CO. - No report. Questions were raised on the cable television project with relations to 543 areas.

CITIZEN ADVISORY - No report.
POLICE DEPARTMENT - No. report.

OLD BUSINESS - Mayor Bieber opened to the attention of the council some calls regarding the deer hunting within the perimeters of the city.

PUBLIC FORUM - Mr. Gallati questioned the councils actions of granting Mr. Knutson a permit without conditions and then placing those same conditions on Mr. Bohall. MOTION NO. 11R-14-84 was introduced by Councilman Anderson that we lift the conditional use requirement from Mr. Bohall's permit. SECONDED BY Councilman Arends. Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

MOTION NO. 11R-15-84 was introduced by Councilman Anderson that this regular session of the council adjourn. (9:00 p.m.) SECONDED BY Councilman Arends. Upon roll call vote being taken Councilman Allen, Anderson, Nelson and Arends voted in favor of said motion and Mayor Bieber declared the motion carried.

AGREEMENT

This Agreement, made this 19th day of November, 1984, by and between the City of Crosslake, a municipal subdivision of the State of Minnesota, (hereinafter called "City"), and Roger Ulstad and Ralph Carlson, (hereinafter called "Owners"), owners of the property known as White Island Beach in Crow Wing County, Minnesota, which consists of property platted as Block One, containing Lots 1, 2, 3, 4, 5, 6, and 7; Block Two, containing Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; and Outlots A, B, C, D, and E.

In consideration of the City's approval of the Plat of White Island Beach, Owners hereby covenant and agree with the City as follows:

1. The roads in the Plat, namely, Island Drive and Whitefish Road, shall not be dedicated to the public and shall not be publically maintained, but shall remain private roads reserved for the benefit of the lot owners of White Island Beach, and be maintained by them.

2. The roads in the Plat of White Island Beach shall meet the City's specifications for platted roads as provided in the City's subdivision platting regulations.

3. Owners agree that they and purchasers of the lots in White Island Beach shall execute an acknowledgement of the existence of two pending Crow Wing County District Court actions: Mildred A. Marsh, Robert B. Turner, and Joan Marsh Turner, versus Ralph G. Carlson and Roger R. Ulstad; and Robert B. Turner and Joan Marsh Turner, versus A. C. Kavli, Anna D. Hausner, Ralph G. Carlson and Roger Ulstad which may affect access to the Plat, and specifically agree to be bound by the final determination of the actions whether by Stipulation or

Judgment, certified copies of which shall be filed by Owners with the Crow Wing County Recorder. Such Owners do and purchasers shall acknowledge that the City has no liability to them on account of the City's approval of the Plat of White Island Beach during the pendency of these lawsuits and that the Owners and purchasers waive any claims against the City regardless of the outcome of these lawsuits on account of such approval.

In the event the City shall be joined as a defendant in either or both of the two lawsuits above named, Owners agree to indemnify the City for all damages, costs, expenses and reasonable attorney's fees which may be awarded against it and for all which it may incur as a result of such joinder.

IN WITNESS WHEREOF, this Agreement has been executed the date first above set forth by the undersigned Owners.

Roger K. Ulstad

ROGER ULSTAD

Ralph G. Carlson

RALPH CARLSON

STATE OF MINNESOTA
COUNTY OF CROW WING

On the 19th day of November, 1984 before me appeared Roger K. Ulstad and Ralph G. Carlson to me personally known, who, being by me duly sworn they did say, that they are respectively the parties named in the foregoing instrument.

My commission expires: Sept. 20, 1985 *Diana A. Gallaway*

