

SPECIAL COUNCIL MEETING  
CITY OF CROSSLAKE  
WEDNESDAY, NOVEMBER 19, 2003  
10:00 A.M. – CITY HALL

Pursuant to due notice and call, the Council for the City of Crosslake met in a special session on Wednesday, November 19, 2003 at 10:00 A.M. in City Hall. The following Councilmembers were present: Mayor Darrell Swanson, Irene Schultz, Dick Phillips and Dean Eggena. There were five people in the audience. Also present were City Administrator Tom Swenson and Community Development Director Ken Anderson. The meeting was called to order at 10:00 A.M. by Mayor Darrell Swanson.

Ken Anderson recapped that it was proposed at the last Special Council Meeting that Area 1 of the Future Land Use map be changed from Medium Residential to General Commercial. Red Knutson, a member of the audience, handed out a proposed land division map of the property he owns in Area 1. Currently, his property is zoned LC, Limited Commercial. He would like the zoning to change to the east of his home to R-4, Urban Residential, so that he could divide his property in 20,000 square foot lots. The property across the street from him on Daggett Pine Road is already zoned R-4. Mr. Knutson added that the price for smaller lots, would allow for more affordable homes, which the City is in need of. Councilmember Eggena stated that smaller size lots would bring families into the area and with the City Park being right down the road, it would be ideal. Councilmember Eggena stated that he would be in favor of changing all the zoning around the City Park to R-4. Councilmember Schultz stated that she would be in favor of changing the zoning on Egret Road (which is across from Red Knutson's) to R-4.

Councilmember Eggena reported to the Council his idea of how Area 1 of the Future Land Use map should be zoned. He thinks that the approximately 95 acres of undeveloped land in this section should be set aside for future general commercial use. He would like a buffer zone to encompass it, which would be zoned Limited Commercial. This idea allows the City to control how the residential and commercial zones come together. Anyone wanting to build in the Limited Commercial zone would need approval from the Council and a conditional use permit. Mayor Swanson stated that the possibility of multi family housing units would need to be included in the buffer area. Councilmember Eggena replied that he does not like the idea of a gas station next to an apartment building, but that the Council could determine through the conditional use permit what would be allowable. Mayor Swanson stated that he walked the 95 acre area, which includes some active water and bogs. The Mayor thinks this would be a good area for a future commercial zone. Councilmember Eggena suggested that the swamps around this area could also be used to make a buffer between the residential and commercial zones. A discussion ensued regarding being able to see businesses from the major roads and making sure that businesses are not eyesores to neighboring residents. Councilmember Eggena stated that beauty is in the eye of the beholder and that it would be difficult for the City to tell people what their buildings should look like. Alden Hardwick, a member of the audience stated that the HCP group recommended that trees

be planted to screen some commercial property, not along the highway, but on the sides and rear.

Ken Anderson posed the question to the Council of what should be done with the couple "spots" of residential zoned property that lies within the larger section of commercial zoned property. It was the consensus of the Council to change the entire area to general commercial and avoid "spot zoning."

Mayor Swanson asked Ken Anderson to put together a new map using all of the ideas discussed so far and to bring it to the next Special Council Meeting. City Administrator Swenson questioned if the lots on Egret will be incorporated in the new map as being zoned R-4. After referring to the plat map, Ken Anderson stated that the best "flow" from a zoning standpoint would be if lots 1 and 2 of D&M Addition would be changed to an R-4 Zone. Councilmember Eggena added that the buffer zones he proposed could be for commercial or residential, depending on what the property owner wants.

Ken Anderson asked the HCP members in the audience if the changes in zoning on the Future Land Use map near the NMN company was intentional or an oversight? At the previous Special Council Meeting, it was discussed that Mr. Schalow cannot add on to his business now or in the future due to the zoning. Alden Hardwick replied that this was not intentional, that there was no discussion of this matter at the Community Focus Group Meetings and that it must be an error on the map.

Ken Anderson handed out to the Council members a copy of a proposed ordinance amendment relating to wholesaling/warehousing uses in the Limited Commercial district. The adoption of this ordinance amendment would allow NMN to apply for a Conditional Use Permit to add on to the existing business. Councilmember Eggena suggested that in order to prevent this type of situation from happening again that all of the listed Prohibited Uses in the Ordinance be changed to Conditional Uses. Mayor Swanson questioned if someday the Schalows sell their land and the new buyer wants to put a car wash in there, for example, could the City say no if it is not listed as a prohibited use. The Mayor suggested that this scenario be asked to City Attorney Sandelin when he arrives, to see if this would create a lawsuit. Ken Anderson agreed that the ordinance requires many CUPs to be issued which require extra work for the property owners and City staff. Mr. Anderson stated that if there were more permitted uses, it would be easier to apply and issue a permit.

Councilmember Chuck Miller, City Engineer Dave Reese, City Attorney Paul Sandelin, Clerk/Treasurer Darlene Roach, Park and Recreation Director Jon Henke and Public Works Director Ted Strand joined the Special Council Meeting at 11:30. Mayor Swanson asked City Attorney Sandelin the question that arose earlier about the City being able to say no to a CUP if the use was not listed as a prohibited use. Attorney Sandelin stated that the City would have a difficult time turning down a request if it is not listed in the ordinance as prohibited.

Mayor Swanson summarized what the Council had accomplished today: 1.) Ken Anderson was given input from the Council on changes to Area 1 of the Future Land Use map and Mr. Anderson would bring these changes back to the next meeting. 2.) The Council discussed the Dick Schalow property and it was the consensus to change the current ordinance to work for him, but not change it so much, that if he ever sells his property, there would be a problem with the use of a new property owner. 3.) The Council should look at creating more general permitted uses and double checking the prohibited uses to make sure they still apply. It was the consensus of the Councilmembers that these three items were all agreed upon.

In response to the road improvement project and problem of acquiring necessary easements for Brita Lane, Attorney Paul Sandelin was directed to amend the ordinance to address this problem relating to private roads. Included in the Council packets was a copy of the proposed ordinance amendment as the Council requested. Councilmember Phillips stated he didn't like the wording of this proposed ordinance amendment because it implies that the City will automatically improve a road if a petition is signed by property owners representing 51% of the front footage adjacent to the road. City Administrator Swenson replied that before a road project is started, a feasibility study is done to determine if it is cost effective for the property owners. A lengthy discussion ensued regarding how to determine who should pay what portions of the road assessments. Councilmember Phillips still did not agree that 51% was a fair number to use and wanted to know if the City could just say no to a project. Councilmember Eggena questioned how to determine which projects to say yes or no to and how would that be fair. City Engineer Dave Reese explained that it is common practice to use the front footage on a road and is the basis for most roads in Crow Wing County as well as the State. Councilmember Phillips requested that the wording then be changed to read that the road shall be constructed only if the City orders the road project to proceed. Councilmember Eggena requested that instead of 51%, that the ordinance read majority because our Country uses the majority vote, not a certain percentage. A MOTION WAS MADE BY CHUCK MILLER, SECONDED BY IRENE SCHULTZ TO APPROVE ORDINANCE NO. 185, THIRD SERIES AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY CODE RELATING TO PRIVATE ROADS AND HAVE THE SUMMARY PUBLISHED WITH THE FOLLOWING CHANGES: 1.) UNDER SECTION A THAT THE NUMBER 51% BE REPLACED BY THE WORD MAJORITY AND 2.) UNDER SECTION C THAT THE SENTENCE BE CHANGED TO READ: IF THE CITY ORDERS THE ROAD PROJECT TO PROCEED, THE ROAD SHALL BE CONSTRUCTED TO CITY ROAD AND DRAINAGE STANDARDS WITH 100% OF THE COST ASSESSED TO THE BENEFITING PROPERTY OWNERS. AYES: ALL.

A MOTION WAS MADE BY IRENE SCHULTZ, SECONDED BY DEAN EGGENA TO APPROVE THE BILLS FOR PAYMENT AS SUBMITTED IN THE AMOUNT OF \$18,089.12. AYES: ALL.

City Administrator Swenson read a memo dated November 18, 2003 from the Public Works Commission that was included in the Council packets regarding the status of the West Shore Drive Improvement and bike path project. A motion had been approved by

the Public Works Commission to direct the City Engineer to update the rough estimate of project costs (which was done in 2001) and submit them to the City Council along with a proposal to complete a right-of-way plat for West Shore Drive from C.S.A.H. 16 south to the City limits.

City Engineer Dave Reese reviewed the options that the initial study in 2001 had covered: 1.) using a simple overlay to improve the road or rebuilding the base of the road with the existing pavement, adding gravel, and then putting a new surface on, and 2.) extending the shoulder of the road so that there would be room for bicyclists or creating an off-road bike path. The public input from the initial study showed that an off-road bike path is preferred so that not as many trees would have to be removed. The estimated cost based on the initial study was approximately \$700,000, which included the Ideal Township portion of West Shore Drive. The first step the City needs to take to continue this project is to acquire easements and purchase land if necessary. Dave Reese then handed out an updated outline of a feasibility study for this project.

Councilmember Eggena asked if there had been a study done to see if the base of West Shore Drive was good or bad. Dave Reese replied that soil borings had not been done yet, but that they would be as the project moves forward.

A lengthy discussion ensued regarding Councilmember Miller's question of how the cost of the West Shore Drive/Bike Path Project would be affected if it were two separate projects. Councilmember Miller noted that the road is in need of immediate repair. If there is to be more discussion needed for the bike path, perhaps it could be completed in a few years from now. Attorney Sandelin stated that if in fact the bike path will materialize, the easements would be needed either way. Mayor Swanson noted that when the public was asked for input a few years prior, many wanted a bike path and many did not. Councilmember Miller suggested that if the road is reconstructed now, it can be widened to include a temporary path for bicyclists until the off-road one is completed. Councilmember Eggena suggested that the City still pay for the engineering costs and easements of both projects because it will be easier to get all the easements at once and to create the right-of-way plat at one time. Attorney Sandelin agreed that it will be easier to get easements for the bike path at the same time the City is getting easements for the road. Dave Reese advised the right-of-way plat be completed ahead of time so that the Council and residents can easily see what is required.

Attorney Sandelin questioned if Ideal Township is in favor of a bike path on their end of the road. Public Works Director Ted Strand replied that because there are not many residents on their section of the road, Ideal Township is hesitant to build a bike path. However, they are ready to improve the road. Jon Henke questioned what the difference in price would be if the City waited to build the bike path and is the City gaining anything by waiting. Dave Reese replied that he would bring updated cost estimates and a breakdown of City vs. Ideal Township expenses to the next meeting.

A discussion ensued regarding the right-of-way plat and that it would be based on the existing road. The engineers will measure 33 feet from the centerline of the road to

determine the right-of-way. There may be problems determining the right-of-way where the property is metes and bounds. Dave Reese informed the Council that there are two items that they will have to discuss and take a firm stand on: 1.) How much road will the City measure from the centerline to determine the right-of-way, and 2.) How much will the City pay for easements.

Councilmember Miller asked what would happen to the bike path when it reaches the Ideal Township/Crosslake border or if it will just stop. Jon Henke stated that there is not one true bike path in the City of Crosslake according to State standards. Mr. Henke believes that the City should pay whatever it takes to do it right because the Park Master Plan includes an off road bike path on West Shore Drive.

City Administrator Swenson wanted to clarify whether or not the City would be paying for easements that are over 33 feet from the centerline. Attorney Sandelin stated that the Council should wait to determine this until WSN is done with the plat. Councilmember Eggena stated that he is in favor of using 33 feet from centerline as a standard measure for right-of-way, even though the City may not need to use the entire 33 feet, it is there if they need it.

Dave Reese summarized that he will update and bring back to the Council at its next meeting the cost estimate for the West Shore Drive improvement project, the cost for Ideal Township's portion of the road, the bike path project and the future cost of the bike path if the City waits a few years to build it.

The next Special Council Meeting to continue discussion of changes to the Draft Copy of the Comprehensive Plan was scheduled for Wednesday, December 10, 2003 at 10:00 A.M. – 12:00 P.M. in City Hall.

A MOTION WAS MADE BY IRENE SCHULTZ, SECONDED BY CHUCK MILLER TO ADJOURN THE SPECIAL COUNCIL MEETING AT 12:25 P.M. AYES: ALL.



Charlene Nelson  
Deputy Clerk

**BILLS FOR APPROVAL**  
**19-Nov-03**

<b>VENDOR</b>	<b>DEPT</b>	<b>AMOUNT</b>
American Chemicals, green fire melt	PW	290.45
Cellular One, cell phone charges	PW	28.05
Complete Title Services, lift station land purchase/closing	Sewer	3,662.59
Crow Wing County Treasurer, e911 addresses	Gov't	425.00
Dacotah Paper, towels, tissues	P&R	95.26
Dacotah Paper, mop	P&R	18.91
Dacotah Paper, towel rolls	P&R	60.02
Echo Publishing, public hearing 11-21	P&Z	50.63
Johnson Killen Seller, 2003 negotiations	Gov't	28.00
Little Falls Machine, Sander	PW	3,700.88
Logico, good works 1 year subscription	Library	30.00
Marco, copier contract	P&R	313.83
Mastercard, Village Electric, repair motor on grinder	PW	20.00
Moonlite Square, fuel	P&Z	16.15
Pete Clement, remove squirrels from siren	PW	150.00
Samaritan Tire, tire	Police	62.60
Sandelin Law Office, legal fees	ALL	8,111.80
Streicher's, bullet proof vest	Police	1,024.95
<b>TOTAL</b>		<b>18,089.12</b>