

**CITY OF CROSSLAKE
CITY COUNCIL
SPECIAL MEETING
4:00 P.M., THURSDAY, JUNE 30, 2005
CITY COUNCIL CHAMBERS, CITY HALL
MINUTES**

MEMBERS PRESENT: Honorable Mayor Jay Andolshek, Dean Swanson, Dick Phillips, Terry Curtis, Dean Eggena.

OTHERS PRESENT: Ken Anderson, Community Development Director; Tom Swenson, City Administrator; Jim Perry, Planner/GIS Coordinator; Darlene Roach, City Clerk.

SPECIAL MEETING/CALL TO ORDER: Mayor Jay Andolshek called the meeting to order at 4:00 p.m.

1. Set Council meeting to review 2004 Audit

Tom Swenson requested approval to set a special City Council meeting for Thursday, July 28, 2005, at 9:00 a.m. to meet with representatives from Larson Allen and Mathias Justin C.P.A., to review the 2004 audit. Mayor Andolshek stated that he may not be able to attend the meeting, but the remaining Council members said that they will be in attendance.

2. Drainage problem along Lake Street

City Administrator Tom Swenson requested that the Council discuss a drainage problem along Lake St. under the Emergency Provisions of State Statutes due to the fact that the item was not posted on the agenda. Swenson recommended that the City Engineer look into some solutions to a drainage problem that exists near the intersection of Lake Street and Cross Avenue. Swenson noted that a portion of a large bank is being washed out into a wetland. He stated that drainage is coming across from Cross Ave. and washing out down the bank. Dean Eggena asked if the problem is occurring on public or private property. Swenson stated that the problem exists on an Outlot that is owned by the City. Jerry Pritchett, who owns the property to the south, was present and stated that he built a house and garage in 1994. He said that drainage combined to flood portions of his property. Pritchett added that after the new buildings were constructed, drainage was directed to one area, creating a washout situation. He also stated that he and the other neighboring property owner would be open to having the lot vacated, and would be responsible for fixing the problem.

MOTION 6S1-01-05 WAS MADE BY DEAN EGGENA, SECOND BY DEAN SWANSON TO SET A LIMIT OF \$2,000 TO HAVE THE CITY ENGINEER FIND A SOLUTION TO THE DRAINAGE PROBLEM OFF LAKE STREET AND CROSS AVE., AND TO HAVE THE PROBLEM FIXED. MOTION CARRIED WITH ALL "AYES."

3. Discussion regarding draft letter to the DNR clarifying City's position regarding administration of the Shoreland Management Act

Terry Curtis presented a copy of draft minutes from a meeting on June 2, 2005. Curtis noted that his motion relating to enforcement of the Shoreland Management Act may have been misunderstood, and that he understood that some council members did not know what they were voting for. He stated that the intent of the motion was to allow for all existing lots to be considered legal and conforming, but to follow the Shoreland Management Act requirements when approving future subdivisions. Councilmember Curtis stated that he drafted a letter in response to the letter that Area Hydrologist Ron Morreim wrote, in order to clarify the City Council's position regarding enforcement of the Shoreland Management Act. He also noted that he would like to get approval from the Council to send the letter, with any changes that the Council may recommend. Mr. Curtis stated that he thought past City Councils were acting in good faith when they approved previous subdivisions that did not comply with the Shoreland Management Act, and wanted to reflect this in the letter, along with clarifying the motion that was made at the June 2nd meeting. In response to the draft letter, Dean Eggena stated that the Shoreland Management Act began in 1980, and that he believed 1972 was when Crosslake adopted its Zoning Ordinance. He also reminded Council members that the Shoreland Management Act allows for variance, and that the DNR never notified the City of any problems in the past. Dean Swanson recommended leaving the date out of the letter if the Council was unsure of the date in which the Shoreland Management Act was adopted. Eggena stated that he was sure it was adopted in 1980. A consensus was reached to remove the end of the sentence related to the date the Shoreland Management Act was enacted. Eggena added that the fifth paragraph of the letter was repetitive and should be deleted. Dick Phillips agreed that the fifth paragraph should be deleted. Eggena stated that he liked the intent of the letter, but wanted to make the letter as simple as possible. Tom Swenson asked who should sign the letter. Curtis said that he intended for the letter to be signed by the Crosslake City Council. Dick Dietz, 38559 Manhattan Dr., stated that he wanted to see the last paragraph left as it is, and that it seems that the Council is trying to water down the letter by removing it. Councilmember Curtis stated that he doesn't agree with saying that the Council will always follow the Shoreland Management Act because he can't guarantee the action of future Councils. Roger Lynn, 13402 Hidden Valley Road, said that he agreed with Dietz that the last paragraph should be left to clarify the intent. He added that any action made by the current City Council would stand, and future Council's would have to take additional action to make changes. Councilman Swanson agreed, stating that the last sentence should be left in the letter to add substance to the letter. Lynn also requested that Curtis clarify his motion from the June 2nd meeting. Curtis stated that the motion was intended to enforce the requirements of the Shoreland Management Act in all future subdivisions. Lynn stated that if that is the intent, the motion should be changed, voicing concern that future Councils will misinterpret the motion. Crosslake resident Steve Roe was present and stated that he interpreted the motion in the same way as Lynn, and that the motion should be changed to clarify its intent.

MOTION 6S1-02-05 WAS MADE BY DEAN EGGENA, SECOND BY DICK PHILLIPS TO SEND THE LETTER TO DNR AREA HYDROLOGIST RON MORREIM, STATING THE CITY COUNCIL'S POSITION ON THE SHORELAND MANAGEMENT ACT, WITH REVISIONS NOTED BY THE CITY COUNCIL.

Dean Swanson stated that he wanted a consensus as to which changes would be made. Phillips stated that the letter should be made as simple as possible, and that the City did not make any mistakes and should not be obligated to write any letter at all.

MOTION CARRIED BY A 4-1 VOTE. EGGENA, CURTIS, SWANSON AND PHILLIPS VOTED "AYE," WITH ANDOLSHEK VOTING "NAY."

3. Approve Bills for Payment

Dick Phillips inquired about the bill for Environmental Systems. Tom Swenson stated that it was payment for rental of a dirt screen for the cemetery. Mayor Jay Andolshek asked how far the dust coating covers. Swenson said that the coating would cover approximately five miles.

MOTION 6S1-03-05 WAS MADE BY DEAN EGGENA, SECOND BY DICK PHILLIPS TO APPROVE PAYMENT OF BILLS. MOTION CARRIED, WITH TERRY CURTIS ABSTAINING FROM THE VOTE.

4. Continue discussion and review of the proposed Comprehensive plan

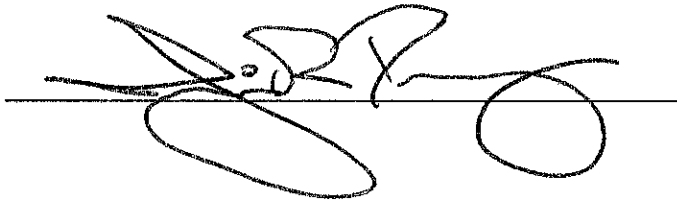
Ken Anderson stated that in looking at the proposed Comprehensive Plan, the Shoreland Management Act should be kept in consideration. Dean Eggena noted that there are many discrepancies between the current Zoning and Comp. Plan maps, and the Shoreland Management Act, pointing out that there are many areas in the Shoreland Management Area that are zoned R-4. Eggena noted that R-4 allows for 20,000 square foot lots, and does not make any reference to the Shoreland Management Act. Mr. Eggena said it would be necessary to start from square one in order to comply with the Shoreland Management Act. He noted that people see the Zoning map and think that they can create a certain size lot prior to purchasing a property, but are then told that they must create larger lots due to the Shoreland Management Act. Mayor Jay Andolshek agreed that many things must come together to approve an effective Comprehensive Plan. Terry Curtis added that he thought Land Use is the most controversial aspect of Comprehensive Planning and it should be well thought out. He added that many of the lots that don't conform with the Shoreland Management Act are a result of discrepancies between the zoning and the Shoreland Management requirements. Ken Anderson stated that making changes to the Ordinance may create less confusion. He stated that the R-3 portion of the Ordinance breaks down allowed lot sizes based on lake classification and off-lake lots, while the other portions of the ordinance do not. Andolshek said that making zoning consistent with the Shoreland Management Act should be our number one goal. Dean Swanson added that he would like to see all lot size requirements increased as a means of controlling density. Curtis said that municipal sewer must also be considered, as one of the objectives of that project was to allow for more density within that corridor. Eggena said that, due to prior development, strict enforcement of the Shoreland Management Act

may be difficult, even impossible. He added that most of the land within the City Limits is in the Shoreland Management Area, and that much of the off-lake zoning conflicts with the Shoreland Management Act. Mr. Eggena urged staff to find all of the lots within Crosslake that conflict with the Shoreland Management Act. Mr. Anderson said that Planning and Zoning staff would prepare a map showing all of the unplatted lots that are not zoned to comply with the Shoreland Management Act. Eggena said that it is important that the Land Use Map is well thought out because they become a guide for future rezones, adding that a court would overturn any rezone that is denied in a case where the Comprehensive Plan calls for a change. A consensus was reached to discuss the issue further upon staff gathering more information.

ADJOURN:

MOTION 6S1-04-05 WAS MADE BY DEAN EGGENA, SECOND BY TERRY CURTIS TO ADJOURN THE MEETING AT 5:59 P.M. MOTION CARRIED WITH ALL "AYES."

Minutes Respectfully Prepared by Jim Perry

A handwritten signature in black ink, appearing to read 'Jim Perry', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the left.

City Hall: 218-692-2688
Planning & Zoning: 218-692-2689
Fax: 218-692-2687



37028 County Road 66
Crosslake, MN 56442
<http://crosslake.govoffice.com>

June 30, 2005

Mr. Ron Morreim
MN Department of Natural Resources
1601 Minnesota Drive
Brainerd, MN 56401

Dear Mr. Morreim,

In response to your letter dated June 9, 2005, this letter is intended to clarify the City of Crosslake's position regarding administration of the Shoreland Management Act.

The City of Crosslake realizes and accepts its responsibility under the Shoreland Management Act and will continue to follow the notification procedures outlined in your June 9, 2005 letter when dealing with future plats and subdivisions.

The intent of the City Council motion to follow the City Code was to clarify how platted lots approved between 1972 to the present would be administered. Plats were approved within the City of Crosslake during this window in time which contained lots that do not meet the Shoreland Act. These lots were sold by developers and purchased in good faith by property owners.

Establishment of these lots followed the platting process and they were purchased in good faith as conforming lots. Therefore, the City of Crosslake is taking the position that platted lots approved between 1972 and the present, will be considered conforming lots.

Should you have any further questions regarding this matter, do not hesitate to contact Mayor, Jay Andolshek at (218) 692-2688.

Sincerely,

Jay Andolshek
On Behalf Of
Crosslake City Council