

COUNCIL PROCEEDINGS  
CITY OF CROSSLAKE MINNESOTA  
PUBLIC HEARING AND REGULAR COUNCIL SESSION  
MONDAY, SEPTEMBER 9, 1991

The City Council for the City of Crosslake met in a Public Hearing and Regular Council session on Monday, September 9, 1991 at 7:30 p.m. in the Council Chambers of City Hall. The following Councilmembers were present: Mayor Kurt E. Anderson, Lyle M. Arends, Roger A. Burshem, Charles O. Miller and Dean L. Swanson. Also present were City Attorney James M. Gammello, Bill Meyer from Landecker and Associates, Road Supervisor Patrick Hoag, Police Officer Steven Schaar, Planning and Zoning Coordinator Teri Daehn, Telephone Company Manager Anthony Mayer, Planning Commission Chairman Jean-Paul Hudon, The Lake Country Echo Reporter Louis Heglund, City Clerk Arlene Buchite and approximately 15 residents.

Mayor Anderson called this meeting to order at 7:30 p.m. and stated that the first item on the agenda would be the Public Hearing to discuss the alleged violation of the Planning and Zoning Chairman Jean-Paul Hudon regarding the Open Meeting Law.

City Attorney James Gammello stated that when the City Council is dealing with preliminary allegations the Law requires that the meeting be closed unless the person who is the subject matter of the allegations wishes to have it open to the public. Mayor Anderson indicated that he had a letter written to the Planning and Zoning Chairman asking if he wished to have the meeting closed and the Chairman verbally told the City Clerk that he did not wish to have it closed. Mr. Hudon again stated at this meeting that it was a published meeting and he felt it should be open.

Councilman Dean Swanson read his complaint stating that he felt the Planning and Zoning Chairman should be removed from the Planning and Zoning Commission because of the alleged violation of the Open Meeting Law. The case in point being the Planning and Zoning Meeting of June 21, 1991 whereby the meeting was adjourned and then reconvened with a quorum present but with two voting members of the Commission gone from the building. Action was taken at that reconvened meeting to re elect Jean-Paul Hudon Chairman. Mr. Swanson cited Section 8.70, Subdivision 1-D as the Ordinance he was following. MOTION NO. 9PH-01-91 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER MILLER TO REMOVE CHAIRMAN JEAN-PAUL HUDON FROM THE PLANNING AND ZONING COMMISSION BECAUSE OF THE ALLEGED VIOLATION OF THE OPEN MEETING LAW. Discussion followed.

Mr. Roy Dolmar, Planning and Zoning Commission Member, stated that he felt the penalty that the Council was trying to enforce

was far too severe for the error that was committed and that this hearing will put pressure on all Commission Members.

Mr. Hudon stated that this Public Hearing was scheduled before the charges were filed. Mr. Gammello stated that he did not see any problem with the procedure as long as the Public Hearing was held within 30 days of the charges.

Mayor Anderson stated that earlier in the meeting on June 21st, voting for the Chairman had been discussed but no action taken until the reconvened meeting. It was also discussed at that meeting, according to Mayor Anderson, that the Commission was going to request that the Ordinance be changed so that election of officers occur after the new Commission Members take their seats.

Mr. Miller and Mr. Burshem both stated that it was unfortunate but it appeared as though someone was trying to cover something up by reconvening the meeting after some of the members left.

Mr. Hudon stated that just recently it has been stated several times at the Planning and Zoning Commission meetings that the Commission is the best and strongest Commission Crosslake has ever had. Mr. Hudon said that it appears to him that for some undisclosed reason it became an obsession for some members of the Council to tear down that Commission and this alleged violation is just the excuse.

Mr. Swanson remarked that when the Council is aware of an illegal meeting they must do something about it.

Mr. Hudon stated that after the meeting was adjourned they realized that they had not elected officers and Ordinance says they must do it at that meeting.

Hearing no further comments, Mayor Anderson called for a vote on the motion. MAYOR ANDERSON AND MEMBERS BURSHEM, MILLER AND SWANSON VOTED AYE. MEMBER ARENDS ABSTAINED. MOTION PASSED.

MOTION NO. 9PH-02-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER ARENDS TO ADJOURN THIS PUBLIC HEARING AT 7:55 P.M. MOTION PASSED UNANIMOUSLY.

Mayor Anderson then called the Regular Council Meeting to order stating that the first item on the agenda is the Consent Calendar.

MOTION NO. 9R-01-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER SWANSON TO APPROVE THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF THE AUGUST 12, 1991 REGULAR COUNCIL MEETING; (2) THE CLERK/TREASURER'S FINANCIAL REPORT FOR AUGUST, 1991; (3) THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR AUGUST, 1991; AND (4) THE CABLEVISION COMPANY'S FINANCIAL REPORT FOR AUGUST, 1991. MOTION PASSED UNANIMOUSLY.

CLERK'S REPORT - MOTION NO. 9R-02-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO PAY ALL BILLS INCLUDING: (1) LANGENBAU EXCAVATING FOR \$1,275.00 FOR CLASS 5; (2) THE COUNTY ASSESSOR'S FEES FOR \$17,250.94; (3) ANDERSON BROTHERS \$2,000.00 FOR COLOR COATING THE TENNIS COURTS; (4) JOHN DEERE LEASING FOR ANNUAL PAYMENT ON LOADER FOR \$7,956.36; (5) LANDECKER AND ASSOCIATES FOR CHECKING ROADS IN PLATS FOR \$475.00; AND (6) AMERICAN NATIONAL BANK FOR FEES FOR 1986 ROAD BONDS FOR \$210.69. MOTION PASSED UNANIMOUSLY.

MOTION NO. 9R-03-91 WAS MADE BY MEMBER BURSHAM AND SECONDED BY MEMBER SWANSON TO RENEW THE CHARITABLE GAMBLING LICENSE FOR THE LION'S CLUB FOR TWO YEARS AT MOONLIGHT BAY, RIVERSIDE INN, ECHO RIDGE SUPPER CLUB, YE OLDE WHARF AND OX LAKE TAVERN. MOTION PASSED UNANIMOUSLY.

MOTION NO. 9R-04-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER SWANSON TO EXTEND THE PAYMENTS ON THE ROAD GRADER FOR AN ADDITIONAL FOUR YEARS RATHER THAN MAKE THE BALLOON PAYMENT NOW DUE. MOTION PASSED UNANIMOUSLY.

Clerk Buchite indicated that there was to be some pay equity workshops and she wanted to attend. The Council indicated that she should attend.

MOTION NO. 9R-05-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER BURSHAM NOT TO HONOR ALDEN SMITH'S REQUEST FOR PAYMENT FOR HOSPITAL INSURANCE DURING HIS TERM AS COORDINATOR BECAUSE HE SIGNED A STATEMENT REFUSING IT. MOTION PASSED UNANIMOUSLY.

MAYOR'S REPORT - Mayor Anderson stated that the Truth in Taxation Meeting is scheduled for November 22, 1991 at 5:00 p.m.

The Council chose September 16, 1991, September 23, 1991 and September 30, 1991 at 10:00 a.m. as meeting dates to review the proposed planning and zoning ordinances. According to Ordinance the Public Hearing should be held by Planning and Zoning but final approval comes from the Council.

Joe Hauser was present to talk about the proposed Rest Stop/ Information Booth. Mr. Hauser stated that there is a possibility of getting more land from the Corps of Engineers to build the booth at its present location. Mayor Anderson stated that the Council is still in favor where ever it is built.

A personnel meeting was scheduled for September 23, 1991 at 3:00 p.m.

MOTION NO. 9R-06-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO INCREASE THE ZONING COORDINATOR'S SALARY BY \$200.00 PER MONTH EFFECTIVE IMMEDIATELY. MOTION PASSED UNANIMOUSLY.

Member Miller said he feels that Councilmember Arends deserves credit for getting the new Coordinator going in the Planning and Zoning office.

Mayor Anderson said the agenda would be revised to accommodate the City Attorney so he would not have to stay until the end of the meeting. Written Guidelines from the City Attorney for implementation of Personnel complaints, allegations and problems were discussed briefly. It was determined to set a public hearing at the October Council Meeting to approve some of the guidelines.

Protocol for planning and zoning complaints was also discussed briefly and will be placed on the October 14, 1991 agenda.

A proposed form letter from the Planning and Zoning Office indicating violations of the City Ordinances was discussed briefly. City Attorney Gammello said he felt it should say alleged violation.

FUNDING AND FUTURE DEVELOPMENT - Liaison Swanson stated that Bill Meyer wanted to continue working with the Commission on the sewer project even though the Council suggested that the request for \$2,500 for preliminary work be put into next years budget and not be expended right now.

PARK AND RECREATION - Liaison Burshem said the wagon train went over real well.

RECYCLING - Liaison Swanson stated that a SCORE grant of \$1,300 was received by the City and the Solid Waste Office in Crow Wing County said Crosslake should tentatively receive \$2,100 in 1992.

PLANNING AND ZONING - MOTION NO. 9R-07-91 WAS MADE BY MEMBER SWANSON AND SECONDED BY MEMBER BURSHAM TO APPOINT DONALD COULTER AS A REGULAR MEMBER OF THE COMMISSION. MOTION PASSED UNANIMOUSLY.

Discussion ensued regarding a wall which had been replaced on the shoreline by Golden Rule Estates. It was the consensus of the Council that if DNR does nothing regarding this wall the Council would like to have it come back before the Council.

The septic system problems in Gladdick Addition were discussed briefly by the Council.

Duane Peterson was present to question an addition to his neighbors house in Bowers Addition across from the waterslide. Mr. Peterson stated that the house is 75 feet from the waters edge and that his family had not been notified of a request for variance. Mayor Anderson said the Zoning Coordinator will look up the file and let Mr. Peterson and the Council know if a variance was granted at the next Council meeting.

CEMETERY - Mayor Anderson stated that if anyone present has lost a vase or urn at the Cemetery they should look behind the building at the Cemetery where most of them had been placed.

PUBLIC SAFETY - MOTION NO. 9R-08-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER BURSHEN TO HAVE THE POLICE CHIEF APPLY FOR REIMBURSEMENT OF A PORTION OF \$1,180.63 FOR POLICE DEPARTMENT CONTINUING EDUCATION. MOTION PASSED UNANIMOUSLY.

MOTION NO. 9R-09-91 WAS MADE BY MEMBER SWANSON AND SECONDED BY MEMBER MILLER TO APPROVE SENDING TWO FIREMEN TO EVELETH FOR CONTINUING EDUCATION SEPTEMBER 28 AND 29, 1991 AT A COST OF \$40 PER PERSON PLUS 2 NIGHTS LODGINGS, MEALS AND MILEAGE. MOTION PASSED UNANIMOUSLY.

Liaison Swanson indicated that the Public Safety recommended that the City pay per-diem for Firemen of \$60 for lodging and \$20 for meals when they are out of town. Clerk Buchite stated that the Firemen will have to pay taxes on any money not used for meals when per diem is paid. A brief discussion followed. MOTION NO. 9R-10-91 WAS MADE BY MEMBER SWANSON AND SECONDED BY MEMBER MILLER TO SET A MAXIMUM OF \$20 PER DAY FOR FOOD AND \$60 PER NIGHT FOR LODGING FOR THE FIREMEN. MOTION PASSED UNANIMOUSLY.

MOTION NO. 9R-11-91 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER SWANSON TO APPROVE HAVING 3 FIREMEN ATTEND THE CHIEF'S CONFERENCE OCTOBER 17TH, 18TH AND 19TH AS RECOMMENDED BY THE PUBLIC SAFETY COMMISSION. MOTION PASSED UNANIMOUSLY.

MOTION NO. 9R-12-91 WAS MADE BY MEMBER SWANSON AND SECONDED BY MEMBER MILLER TO APPROVE THE PURCHASE OF 2 FIVE INCH IN DIAMETER LENGTHS OF HOSE AT APPROXIMATELY \$700 AS A NON-BUDGETED ITEM AND AS RECOMMENDED BY THE PUBLIC SAFETY COMMISSION. MOTION PASSED UNANIMOUSLY.

UTILITIES COMMISSION - Nothing.

PUBLIC WORKS - Discussion ensued regarding the purchase of a new lawn mower, the possibility of having one employee do all the mowing and the possibility of contracting the mowing out next year.

Discussion ensued regarding the John Deere tractor rented to mow the ditches along the roadway. Jack Webster stated that he felt that the tractor, with some repairs promised by North Country Equipment and with the lease price deducted from the purchase price, would be a good investment for Crosslake. Mr. Webster stated that the purchase price is \$14,900 and with the \$1,875 for the lease through September 9, 1991 deducted, the cost of the tractor will be \$13,025. MOTION NO. 9R-13-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER SWANSON TO PURCHASE THE MODEL 2755 JOHN DEERE WITH LEASE APPLIED TO PURCHASE PRICE AND ON A FOUR YEAR CONTRACT. Member Miller said he spoke to someone

who informed him that this tractor has had hard use. Mr. Webster stated that he was told that a lot of the 4016 hours on the machine were idle hours. MOTION PASSED WITH MEMBER MILLER VOTING NAY.

Pat Hoag, Public Works Supervisor, stated that they will be upgrading Shamrock Road soon and there are a couple white pines that may have to be cut down. Mayor Anderson said he had spoken to Don Coulter about surveying and Mr. Coulter estimated the cost would only be in the neighborhood of \$200.

NEW BUSINESS - Nothing.

OLD BUSINESS - Nothing.

PUBLIC FORUM - Nothing.

MOTION NO. 9R-14-91 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER BURSHEM TO ADJOURN THIS REGULAR COUNCIL SESSION AT 9:53 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:  
Arlene A. Buchite, City Clerk/Treasurer

*Arlene A. Buchite*