

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
REGULAR COUNCIL SESSION
MAY 14, 1990

The City Council for the City of Crosslake met in a Regular Council Session on Monday, May 14, 1990 in the Council Chambers of City Hall. The following Councilmembers were present: Mayor Kurt E. Anderson, Lyle M. Arends, Roger A. Burshem, Diana A. Gallaway and Charles O. Miller. Also present were Will Hoyt and Bill Meyer from Landecker and Associates, City Clerk Arlene A. Buchite as well as 16 residents of the community.

Mayor Anderson called this meeting to order at 7:30 p.m. stating that the first item on the agenda would be the Consent Calendar. MOTION NO. 5R-01-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER MILLER TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) MINUTES OF THE APRIL 9, 1990 REGULAR COUNCIL SESSION; (2) MINUTES OF THE APRIL 18, 1990 BOARD OF REVIEW; (3) MINUTES OF THE APRIL 27, 1990 PUBLIC HEARING; (4) THE CLERK/TREASURER'S FINANCIAL REPORT FOR APRIL, 1990; (5) THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR APRIL, 1990; AND (6) THE CABLEVISION'S FINANCIAL REPORT FOR APRIL, 1990. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

CLERK'S REPORT - Clerk Buchite informed the Council that the bill for the 1989 audit came in at \$4,875.00 and the bid was for \$4,900.00. MOTION NO. 5R-02-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER BURSHAM TO PAY THE BILL FROM LARSON, ALLEN, WEISHAIR AND COMPANY FOR \$5,175.00 FOR THE 1989 AUDIT AND OTHER RESEARCH AND CORRESPONDENCE. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Next on the Clerk's Report was correspondence which included a letter from the League of MN Cities regarding designation of City reserve funds and a letter from the MN Housing Finance Agency for the Council's information.

A request from Mr. James Cunningham to transfer 3 lots he owns to Ms. Juanita Stimac was presented to the Council. Clerk Buchite indicated that the Cemetery Rules and Regulations state that the lots cannot be sold to anyone other than the City but the Rules do not state that the lots cannot be transferred. MOTION NO. 5R-03-90 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO TRANSFER 3 LOTS IN BLOCK 11 LOT 4 FROM JAMES CUNNINGHAM TO JUANITA STIMAC. Clerk Buchite will prepare the proper Quit Claim Deed papers and see that they are signed before the transfer is officially made. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTED AYE.

The next item was a letter from Ms. Phyllis Deloney stating that she was ill during the Board of Review hearing and was now requesting the right to appeal her taxes. It was the consensus of the Council that it was too late for them to do anything on behalf of Ms. Deloney and that the Clerk should write a letter stating that she has the right to have her property reviewed by the Assessor's Office but she has lost her right of appeal.

Next was a letter from Lloyd Schreiner to the County Assessor and was for information only so no action was taken.

Next Clerk Buchite requested Council input on the maintenance and snow plowing at the Telephone Company now that the City no longer maintains a building in the area. It was the consensus of the Council that the City should continue to pay for these services.

The next item was for approval for the Clerk to attend Year 1 of the Clerk's institute as a budgeted item. MOTION NO. SR-04-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER MILLER TO ALLOW THE CLERK TO ATTEND THE MINNESOTA MUNICIPAL CLERK'S INSTITUTE JULY 16-20, 1990 AT THE UNIVERSITY OF MINNESOTA-ST. PAUL CAMPUS. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson briefly explained to the Council that he told Weizenegger Insurance to go ahead with the additional coverage available under the Umbrella with the cost of approximately \$900 additional premium. Mayor Anderson said there is a tort law limiting the liability and this additional premium will cover the amount above the limit if the City feels the limit should be exceeded.

Clerk Buchite indicated she has received information from the State that they no longer require Surety Bonds for liquor licensing. It was the consensus of the Council that the City should not require them if the State does not. MOTION NO. SR-05-89 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER MILLER TO WAIVE THE REQUIREMENT FOR SURETY BONDS FOR LIQUOR LICENSING FOR THE 1990-91 LICENSING YEAR AND TO EITHER AMEND OR RESCIND THE ORDINANCE REQUIRING SURETY BONDS. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson explained that he had spoken to the City Attorney regarding the non-sufficient funds check which the City had received from the renter of a portion of City Hall. The City Attorney told the renter to work out something with the Mayor. Mayor Anderson said the renter has since paid cash for the NSF check but has not paid the rent for March, April or May. Mayor Anderson said he has moved out of the offices but says he will not send a letter stating he is terminating the lease. Mayor Anderson said he thinks a letter should be sent from the City terminating the lease. Discussion ensued regarding the feasibility of getting the back rent. It was the

consensus of the Council that it probably would not be possible. MOTION NO. 5R-06-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER BURSHEN TO HAVE THE CITY ATTORNEY SEND THE NOTICE OF THE TERMINATION OF THE LEASE WITH 30 DAYS NOTICE TO JACK SCHABEL. MOTION PASSED WITH MEMBERS ARENDS, BURSHEN, GALLAWAY AND MILLER VOTING AYE.

Clerk Buchite said she would like Council permission to transfer funds from the Capitol Improvement Funds to the General Fund. MOTION NO. 5R-07-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER MILLER TO APPROVE THE TRANSFER OF FUNDS FROM THE CAPITOL IMPROVEMENT FUND TO THE GENERAL FUND AS A TEMPORARY LOAN. MOTION PASSED WITH MEMBERS ARENDS, BURSHEN, GALLAWAY AND MILLER VOTING AYE.

Councilmember Gallaway asked about the Floodplain Ordinance and was informed that has to go to DNR for approval before it can be published.

MAYOR'S REPORT - Mayor Anderson said he signed a proclamation proclaiming May 11th as Poppy Day in Crosslake.

Mayor Anderson said he had received a thank you for the party and gift from Don Coulter who retired April 30, 1990.

Notices were sent regarding Legislative Wrap-up Sessions which were being given in various cities in the State and Mayor Anderson said he would like to attend the one in Brooklyn Park on May 23rd and suggested that the other Councilmembers attend if they could. MOTION NO. 5R-08-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER ARENDS TO ALLOW ANY INTERESTED COUNCILMEMBERS TO ATTEND THE LEAGUE OF MN CITIES LEGISLATIVE WRAP-UP WHICH WOULD INCLUDE THE REGISTRATION FEE, ONE NIGHTS LODGINGS, BREAKFAST AND MILEAGE. MOTION PASSED WITH MEMBERS ARENDS, BURSHEN, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson briefly discussed a letter from a resident to the editorial section of the Brainerd Daily Dispatch regarding the speed zones in Crosslake.

The next item on the Mayor's report was an application for a grant for \$5,000.00 in matching funds which DNR is offering to the City to update the Planning and Zoning Ordinances, update the Comprehensive Plan and Shoreland Management Act. Mayor Anderson indicated that these funds can also be used for purchasing a computer for the Zoning office. MOTION NO. 5R-09-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER ARENDS TO PROCEED WITH THE GRANT APPLICATION FROM THE D.N.R. FOR OUR SHORELAND GRANT AGREEMENT. MOTION PASSED WITH MEMBERS ARENDS, BURSHEN, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson read a letter he had received from Crosslake Lumber Company requesting that they be allowed to review the

zoning permits. Mayor Anderson said he had informed them that this is public information and is available to them.

Mayor Anderson said he had received a notice of some meetings that are planned for the Public Employees Insurance Plan and he felt the City Clerk should attend because she is the Clerk and also an employee. MOTION NO. 5R-10-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER BURSHEM TO HAVE THE CITY CLERK ATTEND ONE OF THE PEIP MEETINGS IF POSSIBLE. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson said he has been doing some research into grants and has found that no one will give monies for projects on leased land so it will probably not be possible to get any for the Nature Trails. The book the Mayor received will be given to the Park. Mayor Anderson said part of Crosslake is in the taconite relief area.

Pequot Lakes School District #186 wrote a letter to Mayor Anderson requesting elected officials, community leaders and interested persons attend their compliance meeting on May 21, 1990. Member Gallaway said she would try to attend and Member Miller said he would also.

PARK AND RECREATION - Increase in tennis fees were discussed briefly. MOTION NO. 5R-11-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER MILLER TO APPROVE THE INCREASE IN TENNIS FEES FOR THE 1990 SEASON AS RECOMMENDED BY THE PARK AND RECREATION COMMISSION. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

PLANNING AND ZONING - Marlowe Kingstedt, Coordinator, said a recommendation was made by the Planning and Zoning Commission for Council approval on CUP-1-90 for the purpose of removing a dirt berm on the beach in excess of 10 cubic yards. MOTION NO. 5R-12-90 WAS MADE BY MEMBER BURSHEM AND SECONDED BY MEMBER GALLAWAY TO APPROVE THE CUP-1-90 AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION WITH THE FOLLOWING CONDITIONS AS RECOMMENDED BY THE COMMISSION: (1) LEAVE A SMALL BERM TO PREVENT DIRECT FLOWAGE; (2) ALLOW FOR REMOVAL OF ALL DEAD TREES; AND (3) LEAVE ALL ROCKS FORMING RIP-RAP IN PLACE. MOTION PASSED WITH MEMBERS BURSHEM, GALLAWAY AND MILLER VOTING AYE. MEMBER ARENDS ABSTAINED BECAUSE HE HAD VOTED AGAINST THE MOTION AT THE PLANNING AND ZONING MEETING.

Mr. Kingstedt said he had received a letter from Bill Meyer from Landecker and Associates stating that they have written three complete zoning ordinances conforming to the DNR regulations for neighboring cities. Mr. Meyer also sat in on the statewide committee which wrote the main draft of the regulations. Mr. Kingstedt said the Planning and Zoning Commission feel that having Mr. Meyer work with the City to

revise the ordinances, update the Comprehensive Plan and incorporate the new Shoreland Management Act into the Ordinances would be beneficial to everyone.

Mr. Meyer stated that his firm has written new ordinances for Lakeshore, East Gull Lake and Breezy Point. Mr. Meyer said each City has different needs and he has found working with a committee in the various cities that each City's needs can be outlined. Also the new regulations lets a City choose to be more restrictive if they wish to be. Mr. Meyer said to rewrite the ordinance, including all meeting prior to that, producing some working copies, but not the final printing which they could handle but is not included in the price because of not knowing how many copies would be needed, the price would be between \$3,000 and \$4,000. Mr. Meyer stated that a zoning map with much detail showing about 500 feet as 1" is needed. Mr. Meyer said the problem with the County half section maps is they do not always fit together but would be something to work with. Mr. Meyer said his company would prepare the map as needed for approximately \$3,000 to \$4,500.

Mr. Meyer stated that the third area they could assist with would be the Comprehensive Plan and they would recommend proceeding with this work on an hourly basis.

Mr. Meyer said they feel the process that should be followed is to get the Comprehensive Plan updated and adopted, then the zoning base map then the zoning ordinances. Mr. Meyer stated that the process would take about five months. Mr. Meyer said the new ordinances would give the Zoning Coordinator answers to some everyday questions which are currently not covered.

Mayor Anderson said his number one priority would be to get a computer at approximately \$4,000 and get everything on the computer. Mayor Anderson said his suggestion would be to go ahead with the rewriting of the ordinances and getting the shoreland work done at the \$3,000 to \$4,000 cost and let the mapping go until this fall after the new budgets are in. Mayor Anderson also said he would not want the ordinances copywrited.

Mr. Meyer said he would like to see a group of people who represent the feelings of the Community to work with. That group will report back to the Planning Commission with a rough draft who will then review it in detail, a second draft will probably have to be prepared and will then go to DNR. After it has DNR and Planning Commission approval it will then come to the Council for approval.

Mr. Arends said he would like to see the meetings set for evenings so more people could attend.

MOTION NO.5R-13-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER MILLER TO PROCEED WITH REWRITING THE PLANNING AND ZONING

ORDINANCES, TO PURCHASE A COMPUTER WHICH FITS THE DNR PROGRAM, THAT THE CITY HOLD OFF ON THE ZONING MAP FOR THE PRESENT, THAT THE CONTRACT WITH LANDECKER AND ASSOCIATES STATES THE ORDINANCES WILL NOT BE COPYWRITED AND TO WORK WITH PLANNING AND ZONING AND THE COMMITTEE ESTABLISHED TO COMPLETE THE ORDINANCES. Mr. Meyer said they will require a map base to work with. Mayor Anderson said there will not be enough money from the grant to do the map and it will have to be budgeted for. Mr. Meyer said he would like to do the map up-front so it can be used and bill the City for it later. Mr. Kingstedt suggested that the Planning and Zoning revenues could possibly be used for the map. Mr. Burshem asked if Landecker could come up with a more definate figure for the work and Mr. Meyer said it would be difficult. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson asked for volunteers to sit on the Committee. Dean Swanson volunteered his services. Mayor Anderson said he would send the list to Mr. Meyer in a week or so.

Mayor Anderson said he had received a call for Buck Garin that the well at Cunningham's had not been capped. Mr. Kingstedt said the materials were hauled to the Fifty Lakes Transfer Station. Mayor Anderson said he told Mr. Garin to contact the Health Department regarding the capping of the well. Mr. Kingstedt said these are some of the items which could be addressed in the new ordinances.

CEMETERY - Mr. Arends said no one had said anything to him about the expense of digging graves on Saturdays so he would like to have it tabled until next meeting.

PUBLIC SAFETY - Chief Backdahl said there was nothing to report from the last meeting.

Member Arends said he thinks the Council should do something about the liquor violation by Sun's Restaurant. Mayor Anderson said that State Law has changed and if there are any penalties they are given by the Court and because she was honest and admitted her guilt the Court choose not to suspend her license. Member Arends said it should have been checked into a little closer. Member Gallaway said if something was to be done it should have been done at the time of the Court appearance. Mr. Arends said the Council should find out what they can and cannot do.

UTILITIES COMMISSION - Manager Anthony Mayer was present to explain a resolution which the Commission was requested the Council to approve. Mr. Mayer said it was simply to rescind a resolution which was passed in 1987 to obtain a loan from R.E.A. and since the Telephone Company has used the funding that is necessary R.E.A. would like to have the funds freed up so some other company can apply for them. MOTION NO. 5R-14-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER ARENDS TO

APPROVE THE RESOLUTION TO RESCIND THE LOAN APPLICATION FOR THE "B" LOAN FROM R.E.A. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson requested that Manager Mayer clarify the date of the annual meeting. Mr. Mayer said that because of conflicts the meeting was rescheduled to May 26th at 10:00 a.m.

ROADS - The discussion of overlaying the section of road between the Post Office and the Catholic Church ensued. Mayor Anderson said that there are only three actual residents who use the road but it is the City's responsibility to maintain the road and it will be cheaper right now because the Catholic Church and Post Office are having their lots overlayed. Member Gallaway asked if this would be a 60/40 split and Mayor Anderson said it would not. Mayor Anderson said the property is City property but it is an easement for ingress and egress to get to the property in back of the Telephone Company and Post Office. Member Gallaway asked who was responsible for the maintenance when the easement was put together. Mayor Anderson said his understanding was that the Catholic Church agreed to maintain it if they could do the original blacktopping if they could use it as a parking lot on Sundays. Mayor Anderson said Anderson Brothers will be doing the blacktopping for the Post Office and the Catholic Church and will do the City stretch for \$2.90 a square yard, for 1102 square yards, 1 1/2 inch overlay for a total of \$3,196.00. MOTION NO. 5R-15-90 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO GO AHEAD WITH THE BLACKTOPPING OF THE EASEMENT BETWEEN THE CATHOLIC CHURCH AND THE POST OFFICE AT THE COST OF \$3,196.00. Road Supervisor Hoag said he thinks it would be in the best interest of the community to turn the grass strip between the post Office and the easement into blacktopping. Mayor Anderson said that strip is post office property so it is up to them what they want to do with it because the City will be blacktopping from the post office property to the Catholic Church property. Mayor Anderson said the Post Office people want the grass strip there because they want a delineation between the Post Office and the road. Mayor Anderson said the strip can be used for snow storage. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson stated that the next item on the agenda was to discuss Rushmore Boulevard blacktopping. Mayor Anderson said with the new responses received in the City Clerk's office there appears to be 13 against the blacktopping, 17 in favor of the blacktopping and 2 who did not respond. Mayor Anderson said he would like to have another Public Hearing scheduled soon so Rushmore can be bid at the same time as the other roads if it is going to be done this year. Mr. Will Hoyt said notices should be mailed and it should be published twice. It was the consensus of the Council that they want all new responses for the Public Hearing and it will be done on a per lot basis. MOTION NO. 5R-16-90 WAS MADE BY MEMBER GALLAWAY AND

SECONDED BY MEMBER MILLER TO HOLD A PUBLIC HEARING ON JUNE 8, 1990, AT 8:00 P.M. ON THE PROPOSED BLACKTOPPING OF RUSHMOOR BOULEVARD. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson said he would like to have a motion to release the money on White Pine Shores Road when the seeding is done. MOTION NO. SR-17-90 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO APPROVE THE RELEASE OF FUNDS FOR THE WHITE PINE SHORES ROAD WHEN THE SEEDING IS DONE AND SUPERVISOR HOAG APPROVES OF THEM. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Member Arends said he would like to have the City roads posted when the County Roads are posted in the Spring. Member Gallaway said it should go to the road commission. Mr. Hoyt said there are a lot of sides to this issue. It will be discussed at a public hearing at a later date.

Member Miller said the City has received one bid for Class #5 and he feels the bid should be opened and responded to. The bid was from Roger Langenbau of Pequot Lakes and was for \$6.25 a yard delivered. It was the consensus of the Council that even though this was the only bid received it should be accepted. MOTION NO. SR-18-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER ARENDS TO ACCEPT THE BID FOR CLASS #5 MATERIAL FROM LANGENBAU EXCAVATING AT \$6.25 A YARD DELIVERED. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Supervisor Hoag said he would like to have Part-time Grader Operator Burton LaBorde work a few more man hours occasionally but he can only work 45 hours a month now without paying in PERA. Mayor Anderson said he does not want to pay benefits to any more employees.

Mr. Hoag stated that Jay Andolshek has resigned from the Road Commission so he needs some more members. Mayor Anderson said it would be discussed at the next Council meeting.

It was the consensus of the Council that they would like to Supervisor Hoag keep track of the hours spent on each road so they could keep track of how much it cost to re-do a particular road.

Member Miller said there were some very nice white pines that Mike Teems said he would transplant for the City. Mr. Hoag said he would get some black dirt and possibly transplant some trees on the City property down by the Post Office.

FUNDING AND FUTURE DEVELOPMENT - Dean Swanson stated that the Commission was really pleased with the job that Pat Hoag did on the Nature Trails. Mr. Swanson said there were three piles of brush down by the beach but the Commission recommended that

they not be burned because of the danger of losing other trees. Mayor Anderson said he hopes to have some good news regarding the availability of grants for the Nature Trails soon.

PERSONNEL - Nothing.

NEW BUSINESS - Member Gallaway said she thought the Council should respond to Patrick Murphy's letter. Mayor Anderson said Mr. Murphy did not expect a response he just wanted to have his liquor license fee reduced and he wanted some thing done about non-members going into the Legion Club and the Club has promised to put in a door whereby only card carrying members would be allowed to enter.

OLD BUSINESS - Mayor Anderson said he had talked to City Attorney Gammello and the City Attorney said the City should get rid of the Garbage Haulers Ordinance because it next to impossible to enforce it and the liability the City incures is not worth the \$5 fee. Mayor Anderson said now that the trucks have to haul to Brainerd the County license should be adequate. Member Arends said he does not think it should be abolished entirely. MOTION NO. 5R-19-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER BURSHEM TO PLACE THE GARBAGE HAULERS ORDINANCE ON THE JUNE 8TH PUBLIC HEARING AGENDA. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

PUBLIC FORUM - Libby Andolshek said she had received a thank you from the School Board for the cookies served at the School Board meeting.

Mr. Swanson said he feels that the containers for glass down by the Corps of Engineers are unsightly and should be changed. It was the consensus of the Council that they will attempt to remedy the situation someday.

Member Miller said he does not like to see the bunch of real estate signs on corners like there is on Daggett Pine Road and County Road 6.

MOTION NO. 5R-20-90 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO ADJOURN THIS REGULAR COUNCIL SESSION AT 9:40 P.M. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Recorded and transcribed by:



Arlene A. Buchite, City Clerk/Treasurer