

COUNCIL PROCEEDINGS  
CITY OF CROSSLAKE MINNESOTA  
REGULAR COUNCIL SESSION  
APRIL 9, 1990

The City Council for the City of Crosslake met in a Regular Council Session on Monday, April 9, 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 Planning and Zoning Coordinator Marlowe Kingstedt, City Engineer Will Hoyt, Certified Public Accountants from the firm of Larson, Allen, Weishair and Company, Donna Bzdok and Timothy V. Bergin as well as approximately 23 citizens from the community.

Mayor Anderson called the meeting to order at 7:30 p.m. stating that the first item on the agenda was the Consent Calendar. MOTION NO. 4R-01-90 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS TO APPROVE ALL ITEMS ON THE CONSENT CALENDAR CONSISTING OF: (1) THE MINUTES OF THE MARCH 12, 1990 REGULAR COUNCIL SESSION; (2) THE MINUTES OF THE MARCH 28, 1990 PUBLIC HEARING; (3) THE CLERK/TREASURERS FINANCIAL REPORT FOR MARCH 1990; (4) THE TELEPHONE COMPANY'S FINANCIAL REPORT FOR MARCH 1990; AND (5) THE CABLEVISION COMPANY'S FINANCIAL REPORT FOR MARCH 1990. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

CLERK'S REPORT - Donna Bzdok and Tim Bergin representatives from the auditing firm of Larson, Allen, Weishair and Company were present to review the 1989 audit with the members of the City Council. Both Auditors agreed that the City was in good financial shape and no material weaknesses were found. The Auditors did recommend changing the timing of paying the Councilmembers from the beginning of the month to at the end of the month. Mr. Bergin stated that the City is financially sound and the records and books are in accordance to State and County needs. Mr. Bergin stated that the City's balance sheet is one of the best of all the cities that their firm audits. Ms. Bzdok said the City's fund equity is down quite a bit from last year because of the road projects but, that is not a problem because the City has a good reserve remaining. Mr. Bergin said that since the City has such a large reserve using the fund equity was better than issuing bonds. Mr. Bergin indicated that the City still has a about a five month unreserved fund equity compared to the previous one year unreserved equity. Ms. Bzdok indicated that they would like to have the City continue to list the road projects as fixed assets. MOTION NO 4R-02-90 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED

BY COUNCILMEMBER MILLER TO APPROVE THE 1989 AUDIT AS PRESENTED BY REPRESENTATIVES FROM LARSON, ALLEN, WEISHAIR AND COMPANY. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE. The Mayor and all Councilmember thanked Ms. Bzdok and Mr. Bergin for their presentation.

The next item on the Clerk's Report was bills for payment. MOTION NO. 4R-03-90 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS TO PAY ALL BILLS INCLUDING ONE FROM MARTIN COMMUNICATIONS FOR \$1,496.00 FOR SETTING UP THE NEW POLICE CAR. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Correspondence was the next item. Clerk Buchite indicated she had received a quote on insurance from Pat Smith of Brainerd Insurance at 4:00 in the afternoon. Brainerd Insurance quotes were about \$4,000 higher than the coverage through the League of MN Cities Insurance Trust. Clerk Buchite stated that she needed a decision from the Council about waiving the \$600,000 tort limits established by Minnesota Statute for the Umbrella. MOTION NO. 4R-04-90 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER BURSHAM TO ACCEPT THE QUOTE OF \$19,041.00 FROM THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST AS THE LOWEST QUOTE AND TO GIVE MAYOR ANDERSON THE AUTHORITY TO CHECK INTO THE UMBRELLA OPTION AND MAKE THE DECISION ON THAT. MOTION PASSED WITH COUNCILMEMBER ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Clerk Buchite reviewed the correspondence briefly with the Council. The items were a letter from the MN Association of Small Cities regarding reducing fund balances; a letter from the MN Association of Small Cities regarding an article in the Minneapolis Star Tribune dealing with tax cuts for Cities; a letter from the MN Association of Small Cities regarding LGA cuts; a letter from the EBA regarding a general safety survey on March 30, 1990; a letter from Hengle Construction regarding money being held by the City on the White Pine Shores road; a letter from Weizenegger Insurance regarding building appraisals; a letter from North Star Risk Insurance, Inc. regarding liability for licensing rubbish haulers; a letter from Al Benson regarding licensing of rubbish haulers; a letter from Carter Kuehn regarding fees set for landfills; a letter from City Attorney James Gammello regarding a dishonored check; a letter to Crow Wing County Commissioners regarding the soil survey; and a pledge update from Northern National Bank.

The Council discussed the balance which is being withheld for the White Pine Shores road. Mayor Anderson asked City Road Supervisor Pat Hoag to check with Widseth, Smith,

Nolting and Associates regarding the final inspection and to place it on the agenda for the April 27, 1990 public hearing.

Mayor Anderson said he did not feel that the City needed to have the building appraised because the insurance agents usually see that they are appraised high enough.

Clerk Buchite indicated that she had received a letter from North Star Risk, Inc. stating that they were requesting the Leagues legal staff to answer our questions regarding the Cities liability for licensing rubbish haulers. A letter from rubbish hauler Al Benson was discussed. Mayor Anderson said the insurance certificates on file for the haulers were for auto liability not general liability. Mr. Burshem said he does not feel that for a \$5.00 fee the City should take on any liabilities. Mr. Benson said he feels 14 months is a reasonable time to expect the other haulers to comply with the requirements of the ordinance. Mr. Benson said it is a dumb ordinance but it should be enforced or rescinded.

MOTION NO. 4R-05-90 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER BURSHAM TO RENEW THE CHARITABLE GAMBLING LICENSE FOR THE CROSSLAKE PRE-SCHOOL AT THE EXCHANGE NIGHTCLUB IN CROSSLAKE. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Clerk Buchite read the resolution to renew the existing liquor and beer licenses for 1990-91 stating that all licensing requirement must be met including insurance requirements before a license would be issued. MOTION NO 4R-06-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER GALLAWAY TO APPROVE THE RESOLUTION ADOPTING THE LIQUOR LICENSE RENEWALS FOR 1990-91. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE. Mr. Arends asked who would check to see all insurance requirements are met and City Clerk Buchite stated she would and that Chief Backdahl works right along with her.

MOTION NO. 4R-07-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER MILLER TO APPROVE THE RENEWAL OF THE CHARITABLE GAMBLING LICENSE FOR THE HOCKEY ASSOCIATION AT SEEKER'S CEDAR CHEST. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

MOTION NO. 4R-08-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER GALLAWAY TO APPROVE THE RENEWAL OF THE CHARITABLE GAMBLING AND BINGO LICENSES FOR THE AMERICAN LEGION POST 500 AT THEIR BUILDING. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

MOTION NO. 4R-09-90 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO APPROVE THE RENEWAL OF THE BINGO LICENSE

FOR THE CROSSLAKE GAME AND FISH CLUB AT THEIR BUILDING.  
MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND  
MILLER VOTING AYE.

Clerk Buchite stated that there was to be Loss Control Seminars put on by North Star Risk and they suggested that all City employees attend at least one seminar. MOTION NO. 4R-10-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER BURSHEM TO APPROVE HAVING CITY EMPLOYEES ATTEND THE LOSS CONTROL SEMINAR AT EITHER GRAND RAPIDS OR ST. CLOUD. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

MAYOR'S REPORT - Mayor Anderson indicated he had requested to have a representative from the ambulance service present at this meeting to discuss reasons why Crosslake seems to pay the largest share of the subsidy for the Crosslake stationed ambulance. Mayor Anderson stated that the only other City who pays monthly to help Crosslake with the subsidy is Fifty Lakes.

Mr. Brian Kringen from the ambulance service said they also receive subsidies from Brainerd, Aitkin, Pine River as well as Crosslake. Discussion ensued regarding the possibility of getting reimbursement from the Cities who utilize the Crosslake service. Clerk Buchite indicated that none of the Cities who were sent bills for the runs to their cities paid any portion of the bills because they said the runs were outside of their City limits.

Mr. Al Benson stated that when he was on the Council a representative was sent to the various Councils to seek funds. Mr. Benson also suggested using the paper for public relations to put some pressure on the other cities.

Mr. Miller said he spoke with a fireman from Ideal Corners and the fireman indicated that they would probably come up with some funds this year for the ambulance.

Mayor Anderson indicated to the ambulance people that the City has no complaints regarding the service but we would like some assistance with the subsidy. Mr. Kringen stated that the ambulance service loses approximately \$10,000 a year in Crosslake. He indicated that they pay two attendants \$1.25 an hour to carry a pager and stick close to their home. Mr. Kringen said the Crow Wing County also pays subsidy.

Mr. Kringen indicated that some attendants have become paramedics on their own time and money and that most of them are a dedicated crew.

Mayor Anderson said he had hoped that more citizens would have come to the meeting. Mayor Anderson thanked the ambulance personnel for coming to the Council meeting.

Mayor Anderson indicated that the Council sat in on a meeting of the Telephone Commission. Mayor Anderson stated that it was an informative meeting but no business was conducted by the Council.

Mayor Anderson read a resolution which he had signed proclaiming Earth Day in Crosslake on April 22, 1990. Mayor Anderson indicated there were recepticals at the Community Center and the Corps of Engineers for re-cycloable items.

Member Gallaway read a pledge for every councilmember to read and sign regarding Earth Day. Ms. Gallaway also read portions of a letter stating that Kenwood Recycling would be in the Lutheran Church parking lot to collect recycloable items.

Mayor Anderson read portions of a letter from Carter Kuehn, Solid Waste officer for Crow Wing County stating that the landfill would accept items on May 4, 5 and 6.

Mayor Anderson said he would like to see all Councilmembers present for the Board of Review on April 18, at 10:00 a.m.

PARK AND RECREATION - Mr. Miller said the Park Commission asked him to consult with the Council regarding the possibly of having some of the tennis fees set aside for Park use. Mayor Anderson said the money all goes into one pot and if we start setting money aside we would have to do it for the Planning and Zoning and also the Fire Department contract money. Mayor Anderson did indicate that the City would match any funds raised for the new tennis courts.

PLANNING AND ZONING - Mr. Stephen Peterson was present to appeal a denial for a variance made by the Planning and Zoning Commission for an addition to his deck. Mr. Peterson said he had his neighbors present as well as more pictures to show that the deck would not harm anyone. Mr. Peterson had an additional drawing which he had made also. Mr. Peterson said he wanted the Council to decide if his request was reasonable. The combination of the stairway, the screen door and windows opening to the outside all make the deck too narrow. Mr. Peterson said the Commission suggested going to the east or west with the deck and that would not be practical and he would have to do some limb cutting.

Mr. Burshem asked Mr. Peterson if he intended to do any more building to the lakeside. Mr. Peterson said he absolutely would not go lakeside, if he did anything it would be to

build a bedroom to the back of the house. Mr. Burshem said that he does not feel that an additional four feet on the deck would make any difference in the neighborhood.

Mr. Peterson said a representative from DNR said what he wanted to do would be well within the new DNR regulations. Mayor Anderson said that the City of Crosslake does not have to follow along with the DNR regulations, they can go stricter.

Mr. Miller said that each Councilmember has just sat through 2 days of the new shoreland ordinance and DNR could care less if any place has a deck.

Mr. Peterson said the reason for variances is to allow the governing body to make decisions and he feels his request is reasonable.

Mr. Kingstedt said Mr. Peterson would need a variance if he went to the side also because that would be less than 75 feet. Mayor Anderson said that the Planning and Zoning would probably go along with it if he did not go any closer to the lake. Mayor Anderson said the definition of "hardship" is pretty plain and he does not feel that because a deck is too small to have a dinner party it should be considered a hardship.

Mr. Peterson's neighbors, John Coats and Frances Fraser both indicated they had no problem with the deck. MOTION NO 4R-11-90 WAS MADE BY MEMBER BURSHEM AND SECONDED BY MEMBER GALLAWAY TO OVERRULE THE PLANNING AND ZONING COMMISSION DECISION AND GRANT A VARIANCE TO STEPHEN PETERSON TO ADD FOUR FEET TO HIS DECK. Member Gallaway asked if conditions such as no clear cutting could be placed on the permit and Mr. Kingstedt said there could be restrictions.

Mr. Burshem said he did not want to go against Planning and Zoning but he could see no reason why, after viewing the subject property, the variance should be denied. Mayor Anderson said he feels strongly that if we have ordinances we should abide by them.

MEMBERS BURSHEM AND GALLAWAY VOTED AYE, MEMBERS ARENDS AND MILLER VOTED NAY. MAYOR ANDERSON VOTED NAY. MOTION DID NOT PASS.

Member Gallaway said she wanted it real clear then that no deck will be allowed unless an absolute hardship is shown. It was the consensus of the Council that when the new DNR regulations are in place no variance will be necessary.

Mr. Peterson said the variance ordinance is the procedure which is to be used. Mayor Anderson said no hardship was

proven and that is his reason for voting against the deck not just because he did not want to overturn the Planning and Zoning decision. Member Milller said the convincing should have been done at the Planning and Zoning level and since it was not he would not overturn them.

Mr. Peterson asked if all tapes and items presented at this meeting would be preserved and he was assured they would be.

Mayor Anderson stated that the Council should approve the position description which was approved by the Planning and Zoning Commission for the new Coordinator. Member Gallaway said she feels that there should be some skill requirements stated. Member Burshem said they could be stated when ads are placed. Discussion ensued regarding inspection of properties and buildings after foundations are in. MOTION NO. 4R-12-90 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER BURSHEM TO ACCEPT THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION FOR THE POSITION DESCRIPTION FOR THE PLANNING AND ZONING COORDINATOR. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson said there are three men listed as alternates for the Planning and Zoning Commission and two out of the three are not interested and the third is a realtor and prescedent says no realtors should serve. Mayor Anderson said he called three other people who had indicated they may be interested in serving on a commission and they do not want to be alternates. MOTION NO. 4R-13-90 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER MILLER TO TABLE THE LIST OF ALTERNATES FOR PLANNING AND ZONING UNTIL MORE NAMES CAN BE OBTAINED. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Mr. Peterson asked if his variance could be remanded to Planning and Zoning for reconsideration by them in light of the additional information he has. Mayor Anderson said that would be fine by him and the same variance fee would apply.

Member Arends said we are going to have to split planning and zoning. Mayor Anderson said that is what will probably happen. Mayor Anderson said Planning and Zoning will have to meet twice a week to get everything done. Mayor Anderson said that State Statute dictates that the Comprehensive Plan must be approved by the Planning and Zoning before it comes to the Council for approval.

Mr. Burshem asked if everyone who has an ice ridge will have to come in for a Conditional Use Permit and was informed that with the new Shoreland Ordinances it will be necessary. Mr. Kingstedt said if it exceeds 10 cubic yards they will need a conditional use permit. Mayor Anderson said his

feeling is that if it is an ice ridge that has been there for years it should not be moved but if it is caused in any given year they should be able to remove it.

CEMETERY - Member Arends said there was one burial last month. Mayor Anderson said he has not heard anything regarding the purchase of the property adjoining the cemetery but will call them again.

PUBLIC SAFETY - Assistant Chief Bob Garin said parts are no longer available for the door opener at the fire hall and a new one will cost \$519.00. MOTION NO. 4R-14-90 WAS MADE BY MEMBER ARENDS AND SECONDED BY MEMBER BURSHEM TO HAVE THE LIAISON FOR PUBLIC BUILDINGS APPROVE THE PURCHASE OF A NEW DOOR OPENER FOR THE FIRE HALL AT \$519.00 IF PARTS CANNOT BE OBTAINED FOR THE OLD ONE. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Mr. Garin said another chunk fell off the building. MOTION NO. 4R-15-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER GALLAWAY TO HAVE BUILDING LIAISON MILLER GET QUOTES FOR FIXING THE FRONT OF THE FIRE HALL. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Mr. Garin said the Fire Department had five set of turn out gear budgeted for at \$365.00 apiece and they would like approval to purchase it. MOTION NO. 4R-16-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER GALLAWAY TO APPROVE THE PURCHASE OF 5 SETS OF TURN-OUT GEAR AS A BUDGETED ITEM FOR THE FIRE DEPARTMENT. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Mr. Garin said the Fire Department sent out letter to recruit new members.

Mr. Garin said the Fire Department would like to increase the hourly fee for cities that Crosslake has contracts with. MOTION NO. 4R-17-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER GALLAWAY TO INCREASE THE HOURLY CALL-OUT FEE FOR FIRE CONTRACT CITIES FROM \$200 TO \$250 FOR THE FIRST HOUR AND \$150 TO \$200 FOR EACH HOUR THEREAFTER. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

PERSONNEL - MOTION NO. 4R-18-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER BURSHEM TO PAY TERMINAL LEAVE BENEFITS TO RETIRING POLICE SARGEANT DON COULTER FOR HOLIDAY PAY, SICK LEAVE AND VACATION AMOUNTING TO 24.92 DAYS. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

UTILITIES COMMISSION - Nothing.



ROADS - Pat Hoag, said Class 5 has been advertised for and the crack sealing is just about done.

Will Hoyt from Landecker and Associates was present to remind the Council of the Public Hearing at 8:00 on April 27, 1990 for the proposed 1990 road projects.

Mr. Miller said the Council should keep in mind some type of a blower for blowing the sand off the intersections. Mayor Anderson suggested we could check with the county about contracting it done.

Mr. Miller stated that Mike Teams of the road crew was requesting to work four-ten hour days during the summer. Pat Hoag said it could be a problem for a funeral on their day off but they could work it out. No Council objections were noted to this request.

FUNDING AND FUTURE DEVELOPMENT - Member Gallaway asked if anything has been determined regarding the deputy registrar. Mayor Anderson said he has talked to Chris Hasskamp and the decision is now at the County level.

NEW BUSINESS - Nothing.

OLD BUSINESS - Nothing.

PUBLIC FORUM - Nothing

MOTION NO. 4R-19-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER BURSHAM TO ADJOURN THIS REGULAR COUNCIL SESSION AT 10:35 P.M. MOTION PASSED WITH MEMBERS ARENDS, BURHSEM, GALLAWAY AND MILLER VOTING AYE.

Recorded and transcribed by:

*Arlene A. Buchite*

Arlene A. Buchite, City Clerk/Treasurer