

CITY OF CROSSLAKE MINNESOTA  
PUBLIC HEARING  
MARCH 28, 1990  
1:00 P.M. AT CITY HALL

The City Council for the City of Crosslake met in a Public Hearing on Wednesday, March 28, 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 was Planning and Zoning Coordinator Marlowe Kingstedt, City Clerk/Treasurer Arlene A. Buchite, approximately 7 members of the community and reporter Jean-Paul Hudon.

Mayor Anderson called the meeting to order saying that the first item on the agenda would be to discuss the proposed changes to the Floodplain Ordinance. Mayor Anderson proceeded to read all changes that were being made to the existing Ordinance. A complete copy of the proposed Ordinance is attached and shall be a permanent part of these minutes.

Mayor Anderson asked Mr. Kingstedt if there has been any building in the floodplain zone and Mr. Kingstedt said not to his knowledge except for some on thirty foot high bluffs where the edge is in the floodplain zone.

Mayor Anderson said in going through the ordinance he did not see any drastic changes or anything which would adversely affect Crosslake.

Councilmember Gallaway said she understood that the Planning and Zoning Commission had not reviewed the new floodplain ordinance and wondered if they felt a need to do it. Mayor Anderson said he had called Chairman Armond Gease and Mr. Gease indicated that the Commission had enough to do with revising some of the Shoreland Management Ordinances and revising some of the current City Ordinances and he would appreciate the Council's assistance in the Floodplain Ordinance and Comprehensive Plan. Mayor Anderson said if there had been some drastic changes in the Floodplain Ordinance he would have given it to the Planning and Zoning Commission for their input.

Councilmember Gallaway asked Mayor Anderson if he had checked the Floodplain Ordinance out with the Area Hydrologist. Ron Morreim and Mayor Anderson said he had and Mr. Morreim said to make changes if we felt it was necessary but to make sure we adopt it.

Mayor Anderson said the Planning and Zoning Commission should work with this Floodplain Ordinance at all times. MOTION NO. 3S-01-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER ARENDS TO ADOPT THE CHANGES IN THE FLOODPLAIN ORDINANCE AS READ AND DISCUSSED. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

The next item on the agenda was the Comprehensive Plan. Mayor Anderson stated that in August of 1983 the City Council adopted the Comprehensive Plan but it was not published at that time. Mayor Anderson said it was the City Attorney's advice to adopt the plan again by resolution and then to revise or make changes in it. Mayor Anderson said the City has been working for seven years with something that is not really there. Mayor Anderson read the Resolution as prepared by City Attorney James Gammello. MOTION NO. 3S-02-90 WAS MADE BY MEMBER GALLAWAY AND SECONDED BY MEMBER ARENDS TO ADOPT THE RESOLUTION WHICH STATES THAT THE CROSSLAKE COMPREHENSIVE PLAN, DULY ADOPTED ON AUGUST 8, 1983, IS HEREBY RATIFIED. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE. A copy of the Resolution is attached and becomes a permanent part of these minutes.

Mayor Anderson said the next item on the agenda has been on the agenda before and deals with commercial permits coming before the Council for approval before they are issued. Mayor Anderson said the vote was two to two at the previous meeting in December and he broke the tie by voting against having them come before the Council but has since felt that he should have voted the other way. Mayor Anderson said that he felt at the time that the Council could review the permits after they were written but then realized that it would be too late to rescind the permit. Mayor Anderson said that most people who want to build a commercial building get their permit more than three days in advance of commencing construction so having to have it reviewed by the Council should pose no problem. Mayor Anderson said his definition is that any sub-standard use should come before the Planning and Zoning Commission. Mayor Anderson said Mr. Kingstedt re-issued the permit to Little Yukon because of the sub-standard ordinances and he does not feel that Mr. Kingstedt should have.

Mr. Miller said he had nothing more to add to the Mayor's comments. He said he does feel that the Council needs better control over commercial permits that are issued. Mr. Miller said he came away from the December meeting feeling that Little Yukon would have to apply for a variance and he was not the only one who had that feeling so therefore, MEMBER MILLER MADE A MOTION TO HAVE ALL COMMERCIAL PERMITS COME BEFORE THE COUNCIL FOR APPROVAL. MOTION WAS SECONDED BY MEMBER ARENDS.

Mr. Burshem said he thinks that it would be a gross waste of time for the council to have to review all commercial permits, including facelifts, when the City has a man appointed by the Council to issue the permits. Mr. Burshem said this is all happening because of one permit that was issued and everyone should not be penalized because of one person. Mr. Burshem said there should not have to be special meetings called.

Mayor Anderson said the Council could be polled so a special meeting would not have to be called.

Mr. Miller said the only other thing he would consider is to have the permits come to the Planning and Zoning Commission. Mr. Arends said it was never a problem before when the permits came before the Council but then the Ordinance was changed and now there are problems.

Ms. Gallaway referenced a letter she had written to the other members of the Council stating some of the reasons she is opposed to having all Commercial Permits come before the Council. Ms. Gallaway said besides the cost of \$100.00 per Special Meeting it would also cause the system to become inefficient because of unnecessary delays if the application meets all the requirements of the Zoning Ordinances. Ms. Gallaway also stated in her letter that it would be a waste of the Councilmembers time to have to review the site and to review the ordinances for strict adherence. Ms. Gallaway said that the Council should continue to review all permits that are issued and the Council should act as institutional managers of the City for the citizens and employees. Ms. Gallaway stated that if the norms which are currently being used are not working change the ordinance but when all requirements are met the permit should be issued immediately.

Sideyard setbacks were discussed at length. The complete tape is on file in the City Clerk's office.

Mayor Anderson asked for comments from the audience. Oliver Courts said if the Council cannot stop a permit it does not make sense to hold a special meeting on it. Jim Gallaway said he feels the same way as Mr. Courts and he also wondered about building residential in the commercial zone. Mayor Anderson said according to the norm in the past a standard permit is issued for residential in commercial and he sees no reason to change that but it should be spelled out in the ordinance.

Councilmember Miller said he did not introduce this motion because of the Little Yukon permit but since this is how the discussion has ended up he wanted to withdraw his motion at this time and would bring it up at another time. Mr. Miller said DNR will govern the shoreline and the City

Council will eventually have to put some teeth in its ability to govern what goes into the Commercial zone.

Jay Andolshek said as a business owner he appreciates the way permits have been handled.

Mayor Anderson said he felt that Mr. Kingstedt should have come to him and said he felt he had to issue the permit to Little Yukon. Mr. Kingstedt said he must make decisions as part of his job and this was one he made according to the sub-standard section of the ordinances.

Mr. Courts said he felt Mr. Kingstedt is doing a tremendous job for the City and tries to go by the books.

A citizen present said that he feels the City of Crosslake is going to have to hire a building inspector and that would eliminate anyone building too close to the water or building contrary to their plan and it should also eliminate having to hold special meetings or having to call the City Attorney to a meeting. Mayor Anderson stated that the Council planned to hire a full time planning and zoning person effective January 1, 1990.

Council discussed persons applying for a permit and then building closer to the lake than is in the application. Mr. Kingstedt said he would check into any complaint that is given to him. Mr. Kingstedt said he checked 130 septic systems in 1989 and has looked at setbacks on all of them. Mr. Kingstedt said that the majority of people do not lie on their applications or try to outwit the City.

The Council discussed the house on Little Pine that was rebuilt from a boathouse. It was the consensus of the Council that what was built was not what was applied for. It was the consensus of the people present that if someone is made to tear down a building that is not what was applied for it would probably set an example for others.

Mr. Miller said with the new DNR Shoreland Management Act some of the permits may have to be rectified. Mr. Kingstedt said a copy of every variance is sent to the DNR Hydrologist and he has made comments on a couple of variances. Mr. Miller said that under the new ordinance, if DNR suggests a variance should not be granted, and the City does grant one, the City has to notify DNR 10 days prior to any permits being issued and DNR then has the right to take the City to the Court of Appeals.

Mr. Kingstedt said he is trying to do what the book says and if any Councilmember has a problem with something all they have to do is to let him know and he would be happy to work with them in any way he can.

Councilmember Gallaway said she would like to have the Council make a decision as to how Mr. Kingstedt should handle side yard set-backs. Mr. Miller said he feels that any deviation from the 10 foot rule should require a variance. Mayor Anderson agreed with Mr. Miller and said the Planning and Zoning Commission should make recommendations to the Council. Councilmember Gallaway requested that Mr. Kingstedt get a clarification from his Commission.

MOTION NO. 38-03-90 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO ADJOURN AT 3:11 P.M. MOTION PASSED WITH COUNCILMEMBER ARENDS, BURSHEN, GALLAWAY AND MILLER VOTING AYE.

Recorded and transcribed by;



Arlene A. Buchite  
City Clerk/Treasurer

CITY OF CROSSLAKE RESOLUTION NO. 90-01

RESOLUTION REGARDING COMPREHENSIVE PLAN

WHEREAS, the City Council for the City of Crosslake, after hearing by the Funding and Future Development Commission and recommendation of said Commission adopted the present Comprehensive Plan by motion on August 8, 1983; and

WHEREAS, the present City Council is considering amendment or updating of said Comprehensive Plan; and

WHEREAS, the present City Council wishes to ratify by this Resolution the existing Comprehensive Plan;


NOW, THEREFORE, BE IT RESOLVED that:

1. The Crosslake Comprehensive Plan, duly adopted on August 8, 1983, is hereby ratified.

Adopted by the City Council this 28<sup>th</sup> day of March, 1990.

  
Kurt Anderson, Mayor

Attest:

  
Arlene Buchite, Clerk

XL-Reso