

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
SPECIAL COUNCIL SESSION
DECEMBER 16, 1988
11:00 a.m. at City Hall

The City Council of Crosslake Minnesota met in a special session on Friday, December 16, 1988 in the Council Chambers of City Hall. The following Councilmembers were present: Mayor Oliver Courts, Lyle Arends, Diana Gallaway, Dean Swanson and Oliver Yates. Also present were City Attorney James Gammello, P & Z Coordinator Marlowe Kingstedt, Mr. Kingstedt's attorney William O'Hara, City Clerk Arlene Buchite and approximately 17 citizens.

Mayor Courts called this meeting to order at 11:00 a.m. and welcomed everyone present. Mayor Courts stated the Council was assembled to try to settle the disagreement between the Planning and Zoning Coordinator and Councilmember Arends.

Mayor Courts read from the League of Minnesota Cities manual on page 285 stating that "a defamatory remark that a council member makes on the street is not privileged even if it is pertinent to a matter currently before the Council." Mayor Courts also quoted from page 92 of the League of Minnesota Cities manual which states that councilmembers as individuals have no administrative authority unless the Council as a whole directs them.

Mayor Courts said the Council would like to hear both sides of the issue and asked Mr. Kingstedt to state his side. Mayor Courts also stated that there would not be any interruptions allowed, that everyone that wanted to be heard would be given an opportunity to speak.

Mr. Kingstedt began by introducing his attorney. He then stated that he does not want a lawsuit. Mr. Kingstedt read a letter he had written to Mayor Courts in June of 1987 but had never given the Mayor regarding problems he was having with Mr. Arends. Mr. Kingstedt quoted from the City Council minutes of March 17, 1985 wherein Mr. Arends said he only had three jobs to complete and then he would be quitting the excavating business so it would not be a conflict of interest for him to be on the Planning and Zoning Commission.

Mr. Kingstedt said he had tried recently to extend a hand in friendship to Mr. Arends but Mr. Arends refused. Mr. Arends had "played" coordinator from time to time by issuing forms to individuals saying they did not need to update their septic systems, when in fact they did have to according to Mr. Kingstedt.

Mr. Kingstedt said he had recently been informed of a deck, a satellite dish and a trailer in Mr. Arends yard for which permits have not been obtained. Mr. Kingstedt said he has also had complaints about Mr. Arends' yard because of the trucks and junk scattered around.

Mr. Kingstedt stated that Mr. Arends resented how much money he made last year which was approximately \$16,467.14. Mr. Kingstedt said he had worked approximately 180 days to obtain that income.

Mr. Kingstedt said he had a well-known businessman, Mr. Tom Mezzenga, who was willing to testify that Mr. Arends told him he did not need a permit to do work on his septic system and Mr. Arends said he would do the work for Mr. Mezzenga.

Councilmember Arends said he would not respond to any of the accusations unless he received them in writing.

City Attorney Gammello said Mr. Arends was correct in asking for the charges in writing. Mr. Gammello said that if formal charges are filed the City would need to hold Public Hearings to see if Mr. Arends has violated his trust but Mr. Gammello said he hoped it did not go that far. Mr. Gammello stated he felt the Council should make it very clear that whatever is going on between these two people is not Council activity of any sort and that the Council does not sanction it. Mr. Gammello said that at this point this is a civil dispute that hopefully could be worked out between the parties involved.

Mr. Kingstedt said that Mr. Arends told the Council last year that he (Mr. Kingstedt) was not licensed to inspect septic systems when in fact he had three categories of expertise. Mr. Kingstedt said he felt this was also a violation of trust. Mr. Kingstedt said he feels he has good rapport with the City Clerk, citizens, business community and the Council but that the situation has become untenable. Mr. Kingstedt said he would do whatever the Council thinks is prudent.

Councilman Swanson indicated he has heard the same old hassles time after time and the only thing different this time is new names are being hassled. Mr. Swanson said there are certain immunities for Council persons but not if defamatory remarks are made regarding citizens.

Mayor Courts said that these are concerns of the Council that remarks are being made at the local restaurant and on the streets.

Mr. O'Hara said that Mr. Kingstedt was not interested in needless litigation but just wanted to do a good job.

Councilmember Elect Roger Burshem said he did not feel that the Council would tolerate this - that differences should be settled between the two of them and if not the new Council will take action.

Mr. Kingstedt said the hassles are not unique to him, that according to information he has found Coordinators David Holker, Charles Miller and Alec Donaldson all quit because of hassles from Mr. Arends.

Mr. Miller said that the P. and Z. Coordinator's job is a thankless job and that the reasons he left the position are not important.

Mary Kay Kendall, P. Z. Commission Member, said she did not like a new Councilmember calling this a bunch of "crap" when they were dealing with a Councilmember, Commission Member, and Coordinator and they are all involved in City business. She said she felt the City should help to settle or arbitrate it.

Mr. Kingstedt said the only thing he has done for Mr. Arends is to write permits for him and he would like to go onward and upward and end this problem peacefully.

Jerry Boe, local businessman, said he did not feel the problems are what is being heard in this room as much as what you hear out of it in the local restaurant. He said he did not believe that the new Council people would like to hear their names being discussed daily.

Councilmember Swanson said he felt Mr. Kingstedt wanted this settled but if the charges were put in writing, it would only prolong the battle.

Mr. Kingstedt stated he would like to have it settled and start fresh in 1989 with no hassels or hostilities. Mr. Kingstedt said that outsiders cannot believe how well things are going in Crosslake and he would like to keep it that way with no unwarranted interference. Mr. Kingstedt said he would just like to shake hands and start fresh.

Mr. Kurt Anderson, Mayor-elect, asked the City Attorney if some of the charges were proven to be true, if they could be construed as malfeasance. Mr. Gammello said yes that he considered them to be very serious charges.

Mr. Anderson said he had asked the members of the 1989 Council to research problems and to take time to solve them so as to avoid any hassels. Mr. Anderson said he would like to have Mr. Arends shake Mr. Kingstedt's hand and if there is a problem in the way Mr. Kingstedt does his job, the new Council will work on it and resolve it within the next six months.

Mr. Arends said he would shake Mr. Kingstedt's hand for one reason and that was to start the new Council with a good working relationship at which point he did shake Mr. Kingstedt's hand.

Mary Kay Kendall said that she feels Mr. Kingstedt has done a good job for the City and that Mr. Arends also has valuable information to share.

City Attorney Gammello left the meeting at this time.

The next item to be addressed at this special council meeting was rink attendant applications. Councilman Arends showed the Council the two applications recommended by the Park Commission and informed them that it was the same two who worked a rink attendants last year.

Mr. Anderson said one of the applicants had worked for two summers and was a very responsible young man. Mayor Courts said he had had some complaints about them the previous year but was informed by Mr. Anderson that it was probably parents who were unhappy because their children had been sent home

because they were not following rules and regulations. Mr. Anderson said there were only 3 other applicants. MOTION NO. 12S-01-88 WAS MADE BY COUNCILMEMBER ARENDS TO HIRE JASON AMSDEN AND DWIGHT DUNBAR AS RINK ATTENDANTS. COUNCILMEMBER SWANSON SAID HE WOULD SECOND THE MOTION ON THE RECOMMENDATIONS OF MAYOR-ELECT ANDERSON. Mayor Courts asked about overlapping time schedules and Mr. Anderson informed him that Ms. Felber would take care of the schedules but the only overlapping would be for training or something essential. MOTION PASSED UNANIMOUSLY.

The next item that Mr. Arends requested to be discussed was the possibility of moving the food shelf to the basement of City Hall. Mayor Courts asked who requested this and Mr. Arends said he did because it was too crowded at the Community Center and everything had to be on second floor. Mayor Courts said he would like to make sure that someone checked the area out thoroughly because some of the items that were downstairs when City Hall moved into the building were moldy and it may not be dry enough for food. Mr. Arends said the moldy items has been downstairs for years and that the food shelf people would build shelves and racks for the items.

Councilmember Gallaway asked if the Park Commission members were aware of the proposed move and Councilmember Arends said they had discussed it the night before at the Park Commission meeting and they felt it would be a good move.

Mr. Arends assured the Council that access would be only during the hours the City Clerk is on duty. If an emergency would every exist the Police could had out emergency food. It was the consensus of the Council that it should be a locked room and it would be the responsibility of the food shelf people to secure it from rodents also. MOTION NO. 12S-02-88 WAS MADE BY COUNCILMEMBER SWANSON AND SECONDED BY COUNCILMEMBER GALLAWAY TO ALLOW THE FOOD SHELF STORAGE TO BE MOVED TO CITY HALL AND TO HAVE THEM COORDINATE THEIR HOURS WITH THE CITY CLERK'S HOURS FOR ACCESS AND WE GIVE THEM THE SPACE BUT THEY ARE TO MAKE IT SECURE. MOTION PASSED UNANIMOUSLY.

MOTION NO 12S-03-88 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER SWANSON TO ADJOURN THIS SPECIAL MEETING AT 12:20 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:

Arlene A. Buchite

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