

COUNCIL PROCEEDINGS
Crosslake, Minnesota
REGULAR SESSION - September 12, 1983

The City of Crosslake, Minnesota met in a regular session on September 12, 1983 at 7:30 P.M. in the Council Room of the Municipal Building. The following members were present: Councilman Allen, Anderson, Arends, Nelson and Mayor Bieber. There was approximately 40 members of the community present.

Mayor Bieber called the meeting to order and opened the meeting with the first order of business - Road Bids of Pine Daggett Road.

Bids were read as:

Dean Eggena:	Topsoil Borrow	\$11.95 U.P. w/Tot. \$10,575.75
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Anderson Brothers:	Aggregate Base Cls. 5	\$ 6.36 w/Tot. \$15,900.00
	Wearing Course Mixtures	\$ 3.35 w/Tot. \$64,990.00
		TOTAL: \$80,890.00
	Topsoil Borrow	\$ 8.75 w/Tot. \$ 7,743.75
	24" C.S. Pipe Culvert	\$22.00 w/Tot. \$ 660.00
		TOTAL: \$89,293.75

Discussion was held regarding the funds available for 1983 and the costs deduction of Ox Lake Landing Road and concern was expressed as to the ability to handle the cost of this project at this time. Was suggested that possibly \$19,000.00 be requested that payment be made in 1984. MOTION NO. 9R-01-83 was introduced by Councilman Arends that the City of Crosslake accept the bid from Anderson Construction if costs over \$70,000.00 could be deferred to 1984. SECONDED BY Councilman Allen.

Discussion continued with the Mayor suggesting that this project should be turned back over to the Road Commission for further discussion since funds are not available. Was discussed that possibly the Topsoil Borrow could be deferred to another year-this was considered not a good idea because of the effect on the blacktop. Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

The culvert situation was discussed and Chairman Kocon explained the situation with the disagreements between the Association and Mr. Bob Marshall, land owner in coming to an agreement and that an opinion must be received by the City Attorney reaching an agreement with the Little Pine Association and property owners so that the City of Crosslake would not be responsible for any further action taken with the culvert. Mayor suggested that these attorney costs should be a part of the culvert costs to the Little Pine Association. MOTION NO. 9R-02-83 was introduced by Councilman Nelson that the Mayor should contact City Attorney Randall Hanson and so have a legal agreement drawn with the contents so stating that the cost for attorney fees be applied toward the Association requesting the culvert. SECONDED BY Councilman Anderson.

Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

MOTION NO. 9R-03-83 was introduced by Councilman Nelson that the minutes of August 8, 1983 special session, August 8, 1983 regular session and September 1, 1983 special session be approved as presented. SECONDED BY Councilman Arends.

MOTION NO. 9R-03-83 - Minutes approval continued:

Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

The Clerk/Treasurer report was introduced and explained in detail and the absence of a computer printout explained, due to problems with the computer not functioning correctly. MOTION NO 9R-04-83 was introduced by Councilman Anderson that the financial report for the City of Crosslake be approved as presented. SECONDED BY Councilman Arends.

Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

MOTION NO. 9R-05-83 was introduced by Councilman Anderson that the Telephone Company financial report be approved as presented. SECONDED BY Councilman Allen.
Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

OLD BUSINESS - The situation of Mr. Earl Anderson's appeal to council of the Planning & Zoning action against Mr. Anderson was introduced by Chairman Gallati. Brief explanation was presented of the Commission action on the assessment of a \$100. penalty against Mr. Anderson - starting a building without permit.

Mr. Anderson addressed the council and presented the situation to the council and appealed the action of the Planning and Zoning Commission. Explained that building had not been started as only some grading was done to prepare the area and forms we set with mesh inserted. Explained further the rescinding of the four (4) foot variance and requested the council's attention to this action also. Much discussion followed this appeal between Mr. Anderson, the Council, and neighbors who are opposed to the four foot variance and the garage. Good cause was shown that Mr. Anderson could comply with the City Codes in regards to a ten foot side set back without any problems. MOTION NO. 9R-06-83 was introduced by Councilman Nelson that the \$100. assessed penalty against Mr. Anderson for starting construction without a permit be ratified. SECONDED BY Councilman Allen.

Upon roll call vote being taken Councilmen Nelson and Allen voted AYE and Councilmen Arends and Anderson voted NAY. Due to the tie vote Mayor Bieber voted AYE and so declared the motion carried 3 to 2.

The four foot variance was still in request and MOTION NO. 9R-07-83 was introduced by Councilman Allen that the recommendation of the Planning and Zoning Commission to deny Mr. E. Anderson's four foot variance request be accepted. SECONDED BY Councilman Nelson.

Upon roll call vote taken Councilmen Allen, Anderson, Nelson and Mayor Bieber voted AYE and Councilman Arends abstained and Mayor Bieber declared the motion carried with a 4 to 1 vote.

NEW BUSINESS - The vacation of Old County Road 36, Velvet Lake Lane situation with Mr. Russel Howe being land locked. Councilman Anderson explained the situation with review of the history to the present situation of access being needed to Howe's property. Was noted that notification was not served to Mr. Howe when vacation was originally proceeded and that there is no record of vacation

Old County Road 36, Velvet Lake Lane situation continued:

records recorded at the County office. Mr. Howe is requesting that the old road be opened up by the City of Crosslake and Mr. Rockford, neighbor of Howe's is willing to deed to the City of Crosslake a piece of property which would give Mr. Howe frontage onto the road. The City of Crosslake must decide what they want to do with the road as far as getting frontage onto the road to Mr. Howe and revacating the road at that time. MOTION NO. 9R-08-83 was introduced by Councilman Anderson that the City Attorney, Mr. Randall Hanson, be contacted regarding a letter to be written to Mr. Howe advising him to the fact that Mr. J. Rockford will be deeding a portion of his land to the City of Crosslake which would give Mr. Howe access unto Velvet Lane and to then begin vacation procedures of the road by the City. SECONDED BY Councilman Arends. Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

MAYOR'S REPORT - Mayor Bieber so reported the Police Report and the schedule of hours submitted for the month of September and the activity report for August showing 127 calls during that month. Hours worked were reported as Backdahl 100.5 hrs. Coulter 181.75 hrs., Leonard 180.25 hrs. Mayor also reported on the volunteer hours reported for Delmonico, Lindquist, Johnson and Palmer.

A letter from City Attorney, Mr. Randall Hanson, was introduced relative to the rezoning of the City of Crosslake. Was stated that after his review of the proposed language he has found that any admendment to a grandfathered business would be subject to a public hearing under Minnesota State Statutes. Discussion continued from there regarding this correction and also the change in wordage of related business' used within the language of the new zoning ordinances and requested it be changed. MOTION NO. 9R-09-83 was introduced by Councilman Allen that the Zoning Ordinance be rewritten in those areas where any commercial property "grandfathered in" located in a residential area and being sold for any other reason can be done so without permission but any expansion of a non-conforming commercial business to an adjacent property must have a public hearing. SECONDED BY Councilman Nelson. Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

Mayor Bieber introduced a letter from City Attorney, Randall Hanson, regarding Mr. Al Yorek and the rezoning of the City of Crosslake and the inaccuracies of statements made in regards to the rezoning.

A letter from Ms. Libby Andolshek was introduced regarding her resignation from the Citizen's Advisory Committee. Mayor Bieber expressed regret with the resignation of Ms. Andolshek but accepted her resignation.

The Notice of Application from Region 5 Regional Development Commission regarding the grading and resurfacing of CSAH 36 and the replacement of Bridge L-2873 was introduced and recommended that a copy be turned over to the Road Commission and one be kept in the bridge file.

A letter from the Minnesota Cable Communications Board regarding Cable Television in Crosslake was introduced

MAYOR'S REPORT CONTINUED:

as showing approval in the establishment of Crosslake being a Cable Service Territory and recommended that the letter be placed with the Telephone Company.

A letter from the Attorney General was introduced in regards to the pull tabs in the City of Crosslake establishments and recommendation was made that this be kept on file for review by anyone interested and that it would be filed in the City Clerk's office.

A five (5) minute adjournment took place at this time. 9:20 p.m. to 9:25 p.m.

The Mayor reopened the meeting with introducing the need to appoint a new Public Safety Commission member as Mr. Richard Delmonico has resigned from the Commission and a new member would need to be appointed to complete his term of office. Was suggested that Mr. Richard Sather and the Mayor be appointed into the Public Safety Commission. MOTION NO. 9R-10-83 was introduced by Councilman Arends that Mr. Richard Sather and Mayor Fred Bieber be placed as permanent members of the Safety Commission. SECONDED BY Councilman Nelson. Discussion was raised regarding the need for Council members being placed on the boards since we have abolished the liaison situation. Also the fact that the Mayor is already the Safety Commissioner, therefore leaving no reason for him to be appointed as a Commission member. It was also considered that Councilmen should only attend meetings as advisory personnel. Motion No. 9R-10-83 was rescinded by Councilmen Nelson and Arends. MOTION NO. 9R-11-83 was introduced by Councilman Arends that Mr. Richard Sather be appointed to the Public Safety Commission to complete the term of Mr. Richard Delmonico. SECONDED BY Councilman Nelson. Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

Mayor Bieber briefly reviewed the budget meeting of September 1, 1983 and reiterated that this was only a preliminary budget approval and that was all.

Mayor Bieber made reference to the Park Commission and the lack of summer meetings. Was noted that a meeting between the Park Commission Chairman and Mayor Bieber should be established and that a certain day and hour be established for the Park Commission to meet.

COMMISSION REPORTS - Buildings - Discussion was brief in regards to the building, City Hall, and what remodeling could be done with the amount of funds available to cover the costs. A new furnace was discussed and the costs it would save the City to install a more efficient furnace.

PERSONNEL - Councilman Nelson introduced the request for the man hours of J. Lindenberg to be increased over the 120 day minimum set for P.E.R.A. and F.I.C.A. Was decided that he should continue on as last year.

COMMISSION REPORTS CONTINUED:

FUNDING & FUTURE DEVELOPMENT - Chairman Herschback reported that the map of the rezoning is up to date and Region 5 is in the process of typing final ordinances and making up the map and from there a public notice in the paper to show that which has now been adopted.

PARK - Nothing to report.

PUBLIC SAFETY - Chairman Fraser introduced the report from the September 5, 1983 meeting where it was discussed that third officer Mr. Leonard be kept on full time from May 1 to October 15 and that he work 24 hours each week thereafter for the balance of the year to May 1 where he would go back to full time. Was felt that this should be tabled until the budget meeting.

PLANNING & ZONING - Chairman Gallati introduced agenda item 1 that the Variance Fee be raised from \$16.00 to \$50.00. MOTION NO. 9R-12-83 was introduced by Councilman Anderson that we accept the Planning & Zoning Commission's recommendation that the fee for variances be raised from \$16.00 to \$50.00 SECONDED BY Councilman Arends.

Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

Agenda item 2 requesting penalty costs of \$300.00 be assessed for any zoning violation and that it also include the Contractor. MOTION NO. 9R-13-83 was introduced by Councilman Arends that the zoning violation penalty be increased to \$300.00. SECONDED BY Councilman Nelson.

Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

Agenda item 3 requesting a stipend of \$50.00 for each meeting, in addition to the mileage paid to each member, be approved. MOTION NO. 9R-14-83 was introduced by Councilman Anderson that the request for a \$5.00 stipend to the Commission members of Planning & Zoning be denied. SECONDED BY Councilman Allen.

Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

Agenda item 4 requesting Civil Court action against Mr. Albert Pull for violation of building a deck without a permit. Mr. Pull was in attendance and so stated that part of the stipulation on record at the District Court of paying the \$100. penalty was that he could keep the deck. MOTION NO. 9R-15-83 was introduced by Councilman Anderson that this be tabled until more background information could be received. SECONDED BY Councilman Nelson.

Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

Presented the recommendation of an amendment to the Ordinance governing individual camping trailers and the problem with them and the issuance of only "two" conditional use permits. MOTION NO. 9R-16-83 was introduced by Councilman Anderson that this be tabled until the next meeting so it can be further checked into

MOTION NO. 9R-16-83 - individual camping trailers continued:

and a conclusion be made at the next meeting. SECONDED BY Councilman Nelson. Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

Mayor Bieber introduced a letter just submitted to the Council written on January 20, 1983 from a Susan J. Hudson in regards to the State vs. Albert Pull where it so states that if we so wish to force Mr. Pull to remove his deck that such a result would have to be accomplished only through a Civil action. MOTION NO. 9R-17-83 was introduced by Councilman Arends that the situation be turned over to City Attorney, Randall Hanson, to take Civil Action against Mr. Albert Pull. SECONDED BY Councilman Allen. Discussion continued regarding this situation and why it went through District Court instead of Civil Court in the first place. Was felt more information was still needed in regards to this and that further facts should be received. Councilman Arends rescinded his motion and Councilman Allen rescinded his second, therefore Motion No. 9R-15-83 is still in effect over the Pull violation situation.

Penalties assessed against Mr. J. Swenson, for building without a permit, locating a building with inadequate side setback and placing a building on his property without a permit are requested for Council approval. Mr. Swenson was present and so stated that Mr. Charles Miller, past Zoning Coordinator so gave him permission. Questions were raised why Mr. Swenson did not come in to receive a permit. Much discussion was raised between Mr. Swenson, Council and neighbors present, Mr. Pull and Mr. Anderson. MOTION NO. 9R-18-83 was introduced by Councilman Arends that we go along with the penalty assessed against Mr. Swenson at \$100. each. MOTION DIED FOR LACK OF A SECOND.

Discussion continued regarding the attorney costs in court actions and that they should be charged against the person being so charged. Was also suggested that Mr. Miller be brought in for a statement in regards to the Swenson situation so that what he is so stating may be verified. MOTION NO. 9R-19-83 was introduced by Councilman Nelson that we assess the penalty of \$100. against Mr. J. Swenson. SECONDED BY Councilman Allen. Mr. Anderson so stated his objection against this action. Upon roll call vote being taken Councilman Allen and Nelson voted AYE and Councilman Anderson and Arends voted NAY. Due to a tie vote Mayor Bieber voted AYE. Discussion continued on from here regarding the work that Planning & Zoning Commission members have done regarding this situation and that they should be backed to uphold the laws for everyone. Mayor Bieber rescinded his vote and the MOTION DIED DUE TO A TIE VOTE.

MOTION NO. 9R-20-83 was introduced by Councilman Arends that we get Mr. Charles Miller, past Zoning Coordinator in and receive a statement from him regarding the Swenson garage. SECONDED BY Councilman Anderson. Upon roll call vote being taken all members of the council voted in favor of said motion and Mayor Bieber declared the motion carried.

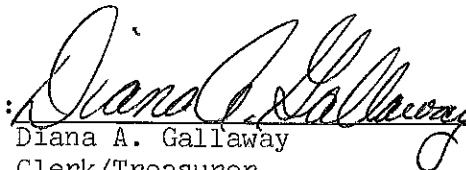
COMMISSION REPORTS CONTINUED:

TELEPHONE - Telephone Company Manager,
Anthony Mayer introduced a requested Cable Television Ordinance for the
Council's review and insertion on the agenda of September 19, Special
Session. Permission was received to place the Cable Television Ordinance
on the September 19, 1983 Special Session.

MOTION NO. 9R-21-83 was introduced
by Councilman Anderson that we adjourn and that all items left open on
the Regular Session of this council session be placed after the Special
Session under Adjourned Session of council. SECONDED BY Councilman Arends.
Upon roll call vote being taken all members of the council voted in favor of
said motion and Mayor Bieber declared the motion carried.

MEETING ADJOURNED UNTIL SPECIAL/ADJOURNED
SESSION OF SEPTEMBER 19, 1983 - 7:00 P.M.

RESPECTFULLY SUBMITTED:


Diana A. Gallaway
Clerk/Treasurer