

Crosslake City Council
July 12, 1982 - 7:30 PM - REGULAR MEETING

CALL TO ORDER: The regular meeting of the Crosslake City Council was called to order at 7:30 PM by Mayor Coulter. Council members present were Delmonico, Anderson, Arends and Andolshek. There were about 65 members of the community present, including a court reporter hired by the group objecting to the Council approval on April 12, 1982 of the plat of Chatham Park for mobile home residents. City Attorney Randall Hanson was also present.

CONSENT CALENDAR: MOTION by Anderson and seconded by Arends that the Council approve the consent calendar as submitted which included the minutes of the regular meeting of June 14, 1982, the financial report of the Clerk-Treasurer for June and the financial report of the City's Telephone Company.

NEW BUSINESS: MOTION by Andolshek and seconded by Anderson that a formal request be made to Duane Blanck, County Engineer, to paint curbing at entrances to downtown parking lot and all entrances to businesses on new CSAH #6. The motion carried and the vote was unanimous. Clerk was instructed to call the County Engineer in regard to this request and to formalize the request in writing. Arends stated that in regard to striping the downtown parking lot for parking it was the businesses' responsibility, he felt. Anderson stated that the county has agreed to do the striping of the lot.

MAYOR'S REPORT: The mayor thanked the Council for allowing the mayor and the clerk to attend the LMC Conference in Rochester and mentioned that once more the city has saved money by their learning about a fraudulent company that had solicited the clerk representing themselves as the 3M Company paper supplier.

The mayor introduced her mother, Hazel Westlund, who had just celebrated her 86th birthday and was visiting the mayor.

The mayor announced the "Gingerbread Fair" to be held by the Crosslake Historical Society at their museum on Saturday, July 17th from 9:00 AM to 1:00 PM. There will be crafts, demonstrations, a bake sale and a quilt raffle. The mayor urged that everyone buy tickets for the quilt raffle.

FUNDING & FUTURE DEVELOPMENT: Fred Bieber, Chairman of this commission appeared to urge the Council to consider issuing a moratorium on building permits in the area of city presently zoned for commercial use. Mr. Bieber introduced Chuck Lubowitz, Community Development Manager for Region V. He recommended that the Council consider that motion that Mr. Bieber will make which will be a way to keep the city out of trouble while they are working on the comprehensive plan for Planning and Zoning, a reasonable way of controlling and managing growth for a six month period or until the plan is finished: whichever comes first. As no questions were forthcoming from the Council, Mr. Bieber presented the recommended motion:

MOTION: By Arends and seconded by Andolshek that the Council accept the motion recommended by the Funding & Future Development Commission to pass a interim ordinance to protect the development of the City during the preparation of a proposed long range comprehensive planning and zoning ordinance. Said interim ordinance should be in existence for a period of 6 months or until the comprehensive plan is completed whichever date comes first. During this period of moratorium no building permits for new construction in the area of the City zoned commercial at the present time, should be issued except for existing businesses

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CONTINUATION OF MOTION: who may request a permit for expansion purposes. The moratorium request made does not include the issuance of permits requested for the use of property in this zoned area for residential purposes. The motion carried and the vote was unanimous.

Mr. Bieber thanked the Council, the Zoning Coordinator, the Planning & Zoning Commission and Region V for their cooperation in speeding up the work completed on the maps to date. The mayor thanked Mr. Bieber and Mr. Lubowitz for their presentations and said that she felt that it was wise that we are planning our growth and not just letting Crosslake happen.

Andolshek announced that the next meeting of the Funding & Future Development Commission would be on Thursday, July 29th at 7:00 PM.

PARK: Patty Felber, Park Director announced that the Park Board has approved the ordering of playground equipment which is part of the final phase of the 5 Year Plan. This money will be borrowed from the Crosslake Youth Athletic Fund and replaced by fund raisers to be held in the next two months. She asked everyone in attendance to be sure to attend the performance of the Pillow Theatre which will be held on Friday, July 30th in a tent next to the Fire Hall.

PLANNING & ZONING: The mayor read a letter from the DNR which she had just received in which they stated that Ox Lake had been erroneously classified by the state as a General Development Lake and that they are requesting that the developer, Coffman Realty re-plot their project as a Natural Environment Lake to conform to Shoreline Development Standards. The mayor asked that the council retain the services of Randy Hanson, City Attorney to draft a letter to the DNR that we do not respect their wishes as we took them in good faith as to what they said and that as the lead agency we will hold with the project.

MOTION: By Anderson and seconded by Delmonico that we retain Randy Hanson for the above mentioned purpose. The motion carried and the vote was unanimous.

CHATHAM PARK OBJECTION: The mayor requested that each time someone speaks that they give their name each time. Mr. J. S. Solomon, a resident on Daggett Pine Road representing the Crosslake Concerned Citizens, a group that is going to monitor the actions of City Government as they apply to all the citizens of this community. He stated that he was very interested in Mr. Bieber's presentation in regard to zoning and felt it was a shame that this was not done year's ago and his group would not be faced with the present problem. He stated that the problem they wished to address to-night was the issue of Chatham and the issuance of a permit by the Council which they feel was an illegal action. He stated that they feel that this is a licensed trailer court and not a mobile home development, as the 1977 Ordinance defines a trailer court as a place where the occupant rents the lot as opposed to a mobile home development where the occupant owns both the trailer and the lot. He stated that the State of Minnesota has not approved the project as a licensed trailer court according to the city records which by law it must do. They feel that the development is not economically feasible as outlined by the developer and would be subject to sale in the future and that there are sufficient safeguards to prevent them or future owners from reducing the size of the 20,000 sq. ft. per lot to make the project pay out. The plan of the developer failed to show a large part of what is called for in the ordinance. The council gave their approval after looking at only a portion of the necessary

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CONTINUATION OF OBJECTION BY CONCERNED CITIZENS: data, and thus violated the terms of the ordinance. The development plan did not include the location of lights, driveways, parking areas, sidewalks, drawings of the foundations and tie downs for individual mobile homes, location of any accessory buildings, topography by 2 ft. contour intervals, and a grading plan, open space areas and location of all gas, sewer, telephone, water and electric lines. Both State and local laws require the city to have a zoning map which conforms to its ordinance. We can assume that this particular development placed in a residential district under the 1973 zoning map was a conditional use which would have required the city to conform very strictly to the hearing and the notice according to the ordinance. This means that no proper action could have been taken until proper notifications had been made and hearings held. We call your attention to the definition we have given you which, in part, defines "conditional use". If the ordinance had been developed properly there is no way that the zoning commission could have issued a permit for Chatham Park. The Concerned Citizens ask that the City go back to the beginning and properly classify this development for what it is, draw up a new zoning map showing all the districts as outlined in the ordinance, hold the proper hearings as outlined in the ordinance, require the developer to conform strictly with the ordinance and furnish all the data required and further stipulate that lot size at Chatham Park can never be reduced from the 20,000 sq. ft. now called for, re-write the code so that never again can any development be placed in an area without giving proper notification to the neighbors and full hearings on the matter. Another concern of the group is that a portion of the land falls under the Shoreline Management Act and should be dealt with as such. Another concern is "What is the definition of a model year?". The brochure states, "No mobile home or trailer will be placed in this area over 3 model years". Most people read that as 3 years old which is certainly not the case. The Crosslake Concerned Citizens expect the Council to go back and take the steps as outlined here.

The mayor then turned to Councilman Arends, Council Liason for Planning and Zoning. Arends stated that they have received a letter from the Minnesota Department of Health approving the sewage disposal services and wells for the 24 site mobile home park and offered it for reviewal. The site plan was also offered for reviewal which will include a fenced in boat storage area. Arends stated that the plat was approved with the stipulation that the state give their approval. Charles Miller, Zoning Coordinator for Crosslake mentioned how difficult he has found his job since the city does not have a proper zoning map. He mentioned that the city has been working hard as evidenced on the wall of the council room to bring a zoning map up to date. He stated that the Chatham Park plat was approved within the present ordinance as best the commission could. He stated that all questions were answered by him at a previous meeting at which most of the people present to-night attended and that he would now like to turn the meeting over to our City Attorney, Randall Hanson for questions. Mr. Hanson then answered the question of Mr. Solomon in regard to what would happen if anyone tried to make the lots smaller than the size specified on the plat. His answer, in essence, was yes, it would be possible to stop them as they would be in violation of the plat, as approved. The mayor then stated that the council, which the people present had elected and entrusted with their vote to do the best job they could for the city, took a look at the project and felt it was a very valid one as the developer had not gone overboard to be greedy by platting 20,000 sq. ft. instead of the minimum 6,000 sq. ft. The mayor stated that the council

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CONTINUATION OF MAYOR'S STATEMENT TO CONCERNED CITIZENS: does support this project and that they will stand by their decision and if the group present wish to take further action, the council will direct them to do so. Attorney Hanson explained that the city did not have to issue a conditional use permit as it was a change in classification and conditional use would not have been appropriate. Mr. Bob Nelson was assured by Mr. Miller that the remainder of the property will be limited to 20,000 sq. ft. lots when developed. Following are some of the questions asked by the Concerned Citizens and the answers given by the city:

QUESTION: Who will police the action at Chatham Park?

ANSWER: The Zoning Commission will answer any complaints if they are not living up to their agreement.

MOTION: By Arends that the matter be closed and to instruct the Clerk to cease including the subject on the agenda. The motion died for lack of a second.

QUESTION: Why was a third trailer park approved for this area which already contains two?

ANSWER: The council felt that this was a valid project.

QUESTION: What paper can we take when we are out of town that will keep us informed of what is taking place in Crosslake?

ANSWER: Agendas and minutes are always published in the Yellow Echo Shopper because the subscriber does not have to pay for this. Anyone wishing the agendas or minutes to be mailed to them while they are out of town may obtain them by submitting a stamped self-addressed envelope, or envelopes, to the City Clerk's Office. The Brainerd Daily Dispatch is the city's legal paper.

In answer to a question from Mary Coron as to why they, as adjacent property owners, were not notified of the subsequent meetings as requested by letter, the mayor replied that if the people present were not happy with the council actions they would be free to do something about it at the next election and that the council did not think just about the 125 people who signed the petition but they did think about the people who are going to leave their homes because they cannot keep their homes, and they did think about the people who will be supporting the doctor, the drug store, the dry goods stores and that they have to look at it on a broad basis, as it is not "our" lake or "our" roads; it is everyone's and we have to take good care of it. We have to share and we don't want to spoil and that was why the council took this action.

QUESTION: If one person bought a piece of property on the lake in the area, could all the residents of Chatham Park use it for swimming and boating?

ANSWER: Mr. Miller replied that there is no way that it could be done that he knows of but that he is not a master of the ordinance. Mr. Anderson replied that he thinks the DNR can control the number of docks on a piece of property. It was suggested that the city make sure that there are no public accesses that could be opened up by checking with the DNR & the COE.

The mayor declared a 10 minute break at 9:05 and the meeting re-convened at 9:15.

OTHER PLANNING & ZONING MATTERS: Councilman Delmonico questioned why the commercial permit was issued to Lande for the building behind the

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PLANNING & ZONING (CONT'D) Antique Shop without council approval. Miller responded that this permit was issued for a garage and he did not feel that it required council approval. When asked what control the city has over the use of the garage, Mr. Miller responded that once the garage door was closed we probably would have no control. Delmonico then stated that if the permit was issued for a garage and was being used as a warehouse that this might be an illegal use. Anderson stated that the ordinance does read that all commercial permits shall be approved by the City Council regardless of what kind of a structure it is and this should be held to until the ordinance is changed.

PRELIMINARY APPROVAL OF PERKINS PLAT: Don Coulter presented the plat of Dick Perkins for preliminary approval. Arends stated that the road shown on the plat should be dedicated as a private road and Coulter agreed that this was as shown on the plat.

MOTION: By Arends and seconded by Anderson that the preliminary approval be given to the plat of Dick Perkins as recommended by the Planning & Zoning Commission. Coulter explained that there is some difficulty with the County that will have to be straightened out in regard to the Right-of-Way requirements and lots 1 & 2 may have to be reduced to 1 lot. The motion carried and the vote was unanimous with the Mayor abstaining.

ROADS: MOTION: By Anderson and seconded by Delmonico that the city accept the County Standards for roads in subdivision platting exactly as specified by the County. The motion carried and the vote was unanimous.

Anderson read a letter from City Attorney Hanson conveying an owner's duplicate for property conveyed to the city from Mr. Raymond Beck. This is a section of the city road involved in the straightening out the curve on the Lake O'Brien road.

Anderson read a letter from Wm. Coffman requesting that the city improve the township road starting at Daggett Pine Road and running 1/2 mile northerly to the entrance of Ox Lake Landing. The improvement is to be as follows: grading, Class #5 & blacktop. Coffman Realty agrees that all costs of the improvement be assessed to Ox Lake Landing and no cost thereof to be born by abutting property owners or the city. Conrad Bye assured the city clerk that this can be done as we were not sure if we could legally assess the realty company for this by putting it on the assessment role. He told the clerk that he was sure that it would be alright as long as we adhered to the legal requirements.

MOTION: By Anderson and seconded by Delmonico that the proper procedures be taken in regard to making the above mentioned improvement with the entire cost to be paid by Coffman Realty. The motion carried and the vote was unanimous with the mayor abstaining.

In discussing various road improvements, Anderson stated that at the cost of blacktopping road of \$30,000. a mile it was out of the question unless the city budgets for it.

TELEPHONE COMPANY: Arends stated that the Telephone Company is going to take a new survey of the taxpayers in Crosslake to see whether Cable TV should be city-owned or public ownership.

OLD BUSINESS: Delmonico questioned the clerk as to whether Moonlight Bay has supplied the performance bond for their sewer as yet. The clerk replied that they had not. The clerk was instructed to check into the matter.

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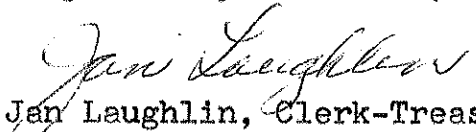
OLD BUSINESS - CONT'D: Andolshek questioned the sign displayed in front of the Deli that states "On & Off" sale. The clerk stated that they do have an "On & Off Sale Non-Intox. Malt License". The council decided that the sign was alright but it was suggested that it be moved off the bike path where it now sits.

PUBLIC FORUM: Karl Halvorson asked if the city has an ordinance that prohibits the dumping of raw sewage on private property. It was suggested that a sample ordinance could be obtained from the League of Minn. Cities in regard to this.

Tom Richardson asked if there was anything that could be done to control the private individuals from shooting off fireworks and suggested that next year some publicity releases run in the paper stating that these are illegal and suggesting that the money spent on these could be donated to the Crosslake Fireworks Display. The police suggested that the next time they have trouble in the neighborhood that they simply call the Police Department.

MOTION: By Anderson and seconded by Arends that the meeting be adjourned. The motion carried and the meeting was adjourned at 9:57 PM.

Respectfully submitted,


Jan Laughlin, Clerk-Treas.