

PUBLIC HEARING  
CITY OF CROSSLAKE  
WEDNESDAY, SEPTEMBER 17, 2003  
7:00 P.M. – CITY HALL

Pursuant to due notice and call, the Crosslake City Council met on September 17, 2003 at 7:00 P.M. to take public comments on platted public accesses within the City of Crosslake that abut to a lake. Present at the hearing was Mayor Darrell Swanson, Dean Eggena, Dick Phillips and Irene Schultz. Councilmember Miller was absent. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, Park and Recreation Director Jon Henke and Clerk/Treasurer Darlene Roach. Sign-in sheet included as a permanent part of the record.

Mayor Swanson called the public hearing to order at 7:00 P.M. and turned the meeting over to Park and Recreation Director Jon Henke.

Park and Recreation Director Henke stated that there are 47 public accesses within the City that abut a lake that have been identified on the aerial photo by way of dots for the public to view. Four of these accesses were previously vacated by former City Council's. Currently, the City has a moratorium on vacating the accesses until a decision can be made regarding what should be done in regards to these publicly owned pieces of land. Henke presented a brief history of the accesses with the oldest plat dating back to 1926 with the majority of the plats dated in the 1940's and 1950's. The language in the plats are all very similar in that the land is "donated and dedicated to the public, for public use forever, the boulevards, avenues and beaches as shown on the annexed plat".

Jon Henke stated that approximately one month ago, the various commissions in the City met to review the options available for these accesses so the purpose of this meeting is to take comments from the public. It was noted that there were two telephone calls regarding this issue and letters were received from Steve and Jeannie Thompson and Patrick and Lynn Davron.

Mayor Swanson asked Jon Henke where the accesses were located and he stated that the majority of the them were located on Manhattan Point Boulevard, but several other lakes were resident to these accesses. The largest access is 315' in width. Councilmember Phillips asked how many of the accesses were being used and Jon Henke said some are being used for sheds, garages, boat lifts and etc. Jon Henke stated that once the Council decides what to do with the accesses, the City will need to take a better inventory of them. He stated that many of the accesses are difficult to locate.

The hearing was open for public comments:

Jerry Pritchard, resident on Lake Street, stated that he has an access that abuts his property. He stated that any action by the City on this access would affect himself and approximately a dozen other properties. He felt that the City did not provide enough notice regarding this hearing and wants more public input into the decision. When asked why property owners weren't sent a notice of the hearing, Jon Henke stated that these accesses do not have a parcel ID number, making it very difficult to identify adjacent

property owners. Also since they have been dedicated to the public, the entire City would need to be notified. Mr. Pritchard stated that possibly some of the accesses are valuable, but the one adjacent to his property is weed infested and the City has done nothing to maintain the access. On the plat for this property, the area is designated as a wetland. Mr. Pritchard stated that he would vote for less access than allowing more access with one of the problems being transfer of milfoil.

Gene Courynea stated these are backlots with easements with access to the lake. If the City can take these away and give to the neighboring property owners, what would prevent them from taking my plat away from me. If you make all of the lakes private, who's going to want to come here and who'd want to buy the property. This access to the lake is for the people. As soon as you take public property away, you lose all around.

Mark Menth stated that he has a 20' access between his property and the neighbors. He stated that no one would be able to get down to the lake at this access without a rope. If the City transfers ownership they also shift the liability from the City. Mr. Menth stated that no one has ever used this access because no one even knows that it is there. Mr. Menth asked what value the property had for the City when it could be divided to allow the adjacent property owner's a larger lot. He stated that vacation is done all the time in the cities. Mr. Menth stated he would be in favor of vacating the accesses.

Gene Courynea stated that Mr. Menth thinks its okay for him to have the access because he's already on the lake. How about the off lake people.

Cliff Clark asked if these properties were accesses or easements. Jon Henke stated they are not easements. Mr. Clark stated if they are used as accesses, everyone will use them and we'll end up with police calls, garbage pickup and etc. He feels the solution is to leave as green space for no one to use or offer to the people who live adjacent to them. He stated that the City/State would benefit from the additional taxes. Put a period of time for the property owners to take or leave. If docks are put in, who's going to clean up the area. I don't want this next to my house.

Gene Keen stated he was confused with the Resolution # 110 adopted by the City and signed by Mayor Swanson. He asked what would happen to his property if the access is opened up to the public. We'll have a mess. I agree that the neighbors have improved the property and maintained them, but what would happen if the city opens them up. What about the value of my property, it would depreciate. City Administrator Swenson explained that the reason the resolution was adopted was in response to private property owners putting in docks. He stated there is a misunderstanding as to what the City is proposing to have happen with these accesses. Swenson stated that the City is looking at keeping these areas for greenspace and not necessarily looking at giving them up, because once they're gone, they're gone forever.

Jon Henke stated that while greenspace is listed first as a benefit, residents who are mowing and improving them are enhancing erosion and runoff. Henke also mentioned that none of the accesses are suitable for boat launching, however they could be used as a canoe access.

Larry Allen stated that there are really none that are useable for access and Jon Henke agreed with the exception with the access on Robert Street.

Warren Batzloff of Manhattan Point Boulevard stated that the DNR controls the boat accesses and that it is his understanding that you cannot put in a boat launch that goes into the lake. He stated that over the course of 18 years he has picked up garbage, dirty diapers, boat oil cans, broken glass and etc. on a continual basis. He stated that people living adjacent to these accesses have a vested interest in their upkeep. If these areas were used for accesses, would the City require a 10' side setback. He stated the DNR has standards and the City shouldn't do anything less.

Jon Henke stated that he received a telephone call from Mr. Bilski on Manhattan Point Boulevard and he would support preserving the accesses.

Mr. Dietz stated that he owns 17 lots on Manhattan Point Boulevard and each of the owners have in their plat, the right to use these accesses, and the off lake people have as much right to use as the on lake people.

Mike Lynch stated that he lives near the access on West Shore Drive and about eight years ago the DNR put in a dock and parking spaces with an additional 30 to 40 parking spaces across the road. He stated that neighbors were never notified of this so he can understand why many people are concerned. He stated on weekends there is up to 100 vehicles with boat trailers attached parked on the street. He feels there should be a limit on the number of vehicles allowed. Mayor Swanson stated that the City has addressed this issue by limiting parking to one side of the road.

Cliff Clark stated that as a realtor he is no longer allowed to list a property as lake property unless there is deeded access or an easement.

Steve Thompson, who is new to the area, stated that he lives adjacent to an access and a neighbor uses the access for his own personal property. He agrees that these accesses need to be looked at individually rather than as a whole.

Upon request, Community Development Director Ken Anderson explained the 60' lot size versus 100' lot size, the amount of square footage required for guest quarters and minimum lot sizes.

Larry Allen stated that some of these accesses provide winter use as well and the assumption that they are only used as boat ramps is incorrect. He stated that these accesses are valuable to other people off lake as well who would like to use them to dock a boat. He stated they are public accesses and we have the right to go to them and use them. He agreed that there may be garbage and etc. but put that back on the City to control. He stated that he is a proponent for keeping the land public, but not developed. He stated that some of the riprap company's use these accesses to get to the lake so there is a public benefit in that as well. He stated that the City needs to think carefully about this not only for now but for the future.

Jeff Tripp stated he bought his property on Robert Street because of the access and if it were gone it would have a huge impact on his property.

Mr. Prem, who stated he has lived in Crosslake for 40 years, stated that he is two properties down from one of the public accesses and everything you hear about them is true. He stated that the DNR controlled them somewhat, but we need more control and feels the DNR should be more involved. He also feels that a part time employee could control the hours of use at a boat launch and set hours for use. He stated this would make life more pleasant for property owners. Mayor Swanson commented that property owners should contact their Senators and Representatives on these issues. Swanson stated that part of the problem is due to there being no accesses on Lower and Upper Whitefish Lake. This puts a huge load on our lakes.

Coleen Schneider of Arrowhead Lane addressed the Council and expressed the same concerns with the tournament fishermen. Regarding the accesses, she stated that these are smaller and not suitable for a boat launch. She lives next to one and it has been used by almost all the adjacent property owners to get rip rap down to the lake. She also feels they serve a good purpose for fire protection and are a great asset to the City.

Jean Pritchett addressed the Council and asked how people were supposed to find out about this meeting. Jon Henke stated the hearing notice was published on August 28<sup>th</sup> in the Lake Country Echo, the City's official newspaper. She asked why the hearing was held when most of the summer people are gone. She asked when the next meeting would be held. Jon Henke stated that this process has gone on for over a year and he doesn't see any immediate decision being made by the Council.

Councilmember Eggena explained how the Council has gotten to this point regarding the accesses with requests for vacations coming in without any real basis for approval of the vacation. He stated that the Council is really in the early stages of coming to a resolution.

Jean Pritchett stated that the awareness of the meeting was not there and that the Council is representing all of us. She suggested holding another meeting in the Spring.

Ruth Mjones stated that she received a letter from an attorney earlier this year informing her of a potential vacation.

Gene Keen suggested that the City charge a \$1000 fee per property owner to review a possible road vacation of an access to generate revenue for the City. He stated that most of these accesses are goat trails anyway and don't allow for access down to the lake.

Bob Mattson stated that he lives on Lake O'Brien where there is no boat access and the residents there would like an access so as a member of the Park and Recreation Commission feels these accesses have some real value. He recommends keeping the accesses for public use.

Dorothy Allen reminded everyone that the City is celebrating its centennial and that our forefathers dedicated these to the public forever and that's how they should remain, forever public.

Darrell Schneider addressed the Council and stated that as a city engineer and consultant for 40 years, almost every plat has easements and part of the easement negotiation is to leave a parcel of land for future utilities, access and etc. He feels they have a use and a value and encouraged the City to include them in the Comp Plan to be protected.

Cliff Clark stated these pieces of land are accesses not easements and the City can designate as green space, for fire department use and etc. Mr. Clark stated that he was not notified of the meeting and it would have been an easy task to notify everyone. Jon Henke again stated that the entire City would have had to be notified.

Larry Allen stated that abandoning means you want it yourself and its not yours, it's all of ours. He stated most people probably knew this when they bought their land. He stated that there are a lot of people who would like this land, not just the adjacent owners.

Warren Batzlaff stated that for sixty to eighty years, these accesses have provided a means of accessing their property whether people keep them up or not. He stated that he has picked up dead wood, watered the grass to prevent fire and doesn't see any difference between a city park used by people for public use. In other cities, property owners are required to mow the boulevard and etc. and these don't belong to the people. We should want to do this to promote and improve our City.

Jon Henke stated that the City has a lease with the Corps of Engineers for 30 acres of land that the City would like to develop as a swimming beach but currently funds are not available to improve the property. But sometime in the future, this will be a great area for residents to enjoy.

Coleen Schneider stated that she would be opposed to the party who suggested paying the City \$1000 or \$2000 for a vacation review of an access. How would this compare to the extra 10' to the property owner at \$3500 a foot. What a deal! These were deeded to the City forever.

There being no further comments, Mayor Swanson thanked the public for their comments and MOTION 09PH1-01-03 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO ADJOURN THIS PUBLIC HEARING AT 9:03 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach  
Clerk/Treasurer

PUBLIC ACCESS  
PUBLIC HEARING  
SEPTEMBER 17, 2003  
7:00 P.M. - CITY HALL  
SIGN-IN SHEET

NAME	ADDRESS	PHONE
June Schuff		
Gene Rieck		
MORRY MCKELSON		
Clint Gusterson		
Mike Lynch		
Luis Lynch		
WARREN Betzlaff	Manhattan Beach	
Jeff Trappe		
Jolene Finn	Cross Lake	
Roy & Jean Ritchett	33540 Lake St Crosslake, MN	
Mal. M. M. M.		
Deard Swanson	Crosslake	
Tom Swenson	City Administrator	
Ken Anderson	Comm. Dev. Director	
Maureen Roach		
Carlina Hobbs	Crosslake	
Dick Phillips	Journal	
Dean A. Eggen	14995 DRAUGHT PINE RD	692-4189
Ruth Mjones	12204 Manhattan Pt. Blvd	
HAROLD HAAS	12143 MANHATTAN pt. Blvd	692-1082
Steve Thompson	12880 MANHATTAN PT BLVD	692-1877
Jeanne Thompson	" "	"
Earl Angell	14821 River Bluffs Rd. 56442	692-1682
Bob Mattson	36120 Tanager Road	692-5130
Carleen	"	
Eugene Courneyer	12109 County Rd 103	692-3210
Colleen Schneider	12481 Arrowhead Ln	692 4577