

CITY OF CROSSLAKE  
COUNCIL PROCEEDINGS  
PUBLIC HEARING AND SPECIAL COUNCIL SESSION  
DECEMBER 5, 1989  
1:00 P.M. AT CITY AHELL

The Council for the City of Crosslake Minnesota met in a Public Hearing and Special Council Session on Tuesday, December 5, 1989 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 were Planning and Zoning Coordinator Marlowe Kingstedt, City Attorney James M. Gammello, Deloran Anderson from Little Yukon Greenhouse, City Clerk Arlene A. Buchite and approximately 19 citizens.

Mayor Anderson called this Public Hearing to order at 1:00 p.m. stating the first item was a review of the Zoning Permit issued to Little Yukon Greenhouse on CSAH #6. Mayor Anderson commenced this hearing by reading a complaint from the officers of the Game and Fish Club that Little Yukon was infringing onto the Game and Fish property with landscaping bricks. Mayor Anderson said the application that was submitted showed the building would be 12.5 feet from the South property line and when he measured it he found the building to be only 9.5 from the South property line which is one of the reasons why he ordered Marlowe Kingstedt to place a cease and desist order on the construction site. Mayor Anderson said the application drawing also shows approximately 14 parking places with a note on it that says, "Allowed until or if County has concerns with setback".

Mayor Anderson read from several pages of the Code Book which he felt pertains to this permit dealing with right of way and substand use. Mayor Anderson said he feels that a variance should have been required but since one was not issued he feels that Little Yukon owners should build according to the application and plan that was submitted and issued.

Mr. Kingstedt said that Mr. Anderson had applied for a variance to build 3 feet from the property lines and the variance had been denied. According to Mr. Kingstedt the new plan was then submitted with set backs totaling the required 20 feet and he did not feel that a variance would be required.

Councilmember Arends said the Commercial has not been changed to have 12.5 on one side and 7.5 on the other to total 20 feet setback from side lot lines. Mr. Kingsted said this has been used for years in Crosslake but not necessarily in Commercial construction.

Councilmember Miller said he is concerned because he feels this should have had a variance because of the setback requirements and it did not.

Mr. Kingsted read from minutes of the Planning and Zoning Commission whereby at a Public Hearing on June 19, 1987 motion number 2-06-19 denied Variance No. V-87-10; on August 21, 1987 an application for Little Yukon Greenhouse was resubmitted without need for a variance and was approved by Motion No. 2-08-21 subject to the building sidewalls be of permanent materials, plexiglass, and subject to a unilateral agreement between Little Yukon and the Fish and Game Club as to the use of the easement between them.

Mr. Jim Gallaway stated that a lot of the Commercial set backs in Crosslake do not meet the minimum requirements and he knows that the 8 foot/12 foot or 7 foot/13 foot to total 20 feet have been used for residential building many times.

Mr. Anderson said he does not really understand what the issue is. He stated he is building 8 feet wide on the South side which is what was on the application. Mayor Anderson said the size of the structure has no bearing. Mr. Anderson said as far as parking he has surpassed the required parking by utilizing the side and rear. Mr. Anderson said as far as using the front for display of selling items, there are many stores in Crosslake which do that.

Mayor Anderson asked Mr. Anderson to show him on the plan where the structure addition was 8 feet.

Mr. Anderson said they only need 6 parking places for the addition they are putting on the structure according to page 200 of the City Code. Mr. Anderson said he is building according to the permit but with the exception that he is not building all of it, that he is not building the addition on the North side.

Mr. Schafer said the Planning and Zoning Commission told Mr. Anderson he could build by having 12.5 feet set back on one side and 7.5 feet on the other side as long as the set back totaled 20 feet.

Mr. Armond Gease said that his understanding of the matter and by looking at the drawing the Game and Fish

Club has a 100 foot easement which would only give Little Yukon 5 parking spaces that are accessible.

Mr. Anderson said that was a 100 percent error; that the easement is undefined. Mr. Anderson said the easement that Mr. Gease is looking at has never been recorded.

Mr. Jim Gammello said that he has not heard that there is a recorded easement. Mr. Gammello said that the City can presume there is no easement unless Mr. Anderson produces one.

Mr. Anderson said his attorney established at the time of purchase that there is an easement. Mr. Anderson presented a piece of paper to the Mayor which apparently showed the recorded document says easement for ingress and egress to reach premises.

Mr. Gammello said there are two different types of easements; one is the kind that stays with the land perpetually such as the type to power companies, the other type between Party A and Party B must be passed on to Party C and does not automatically get transferred with the land. Mr. Gammello said Mr. Anderson should have the necessary paper work to show the Council.

Mr. Anderson said he should not have to produce paper for a civil matter that this was completely settled two years ago. Mr. Anderson said the title opinion was done before he purchased the land.

Mayor Anderson said the easement has no bearing on the permit application but someone had asked the City Attorney to address the issue. Mayor Anderson said the only concern is that the building being built must conform with the plan that was submitted and the permit was issued for.

Mr. Anderson said he wanted to see in the ordinance where it says he must build the complete building as was stated on the application.

Councilmember Gallaway asked Mr. Anderson why his plan included 21 parking spaces if he did not feel he needed that many. Councilmember Burshem asked why Mr. Anderson came in with a second drawing that showed 21 parking spaces but not in the front area if he felt that many were not needed. Mr. Anderson said because he has been fighting this for over a year he has newspaper clippings and tapes of meetings but he knew he did not need that many spaces according to the structure size.

Councilmember Gallaway asked Mr. Kingstedt for a clarification of commercial parking requirements. Mr.

Kingstedt said it is one parking space for each 100 square feet or portion thereof.

Dean Eggena spoke regarding the parking saying that it has not been followed to the letter of the ordinances. Mr. Eggena said it might be prudent to review what type of business he will be operating and there should be some way to work out a solution.

Councilmember Miller said if he wishes to build something different than what is on the plan he should submit new plans. Mayor Anderson said if the Council is going to allow things not in the ordinance book then the ordinance book should be changed.

MOTION NO. 12S1-01-89 WAS MADE BY COUNCILMEMBER MILLER AND SECONDED BY COUNCILMEMBER ARENDS THAT IF MR. ANDERSON OF LITTLE YUKON GREENHOUSES BUILDS ACCORDING TO THE ORIGINAL DRAWING SUBMITTED WITH HIS APPLICATION THEN HE CAN GO AHEAD AND BUILD BUT IF HE CHOOSES NOT TO FOLLOW THE DRAWING HE MUST REAPPLY FOR A PERMIT TO THE PLANNING AND ZONING OFFICE. Mayor Anderson asked if there would be a time limit on the building but it was the consensus of the Council that he has a limit as imposed by the ordinances. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson said the next item on the agenda was to have all commercial permits come before the Council before it is approved. Mayor Anderson said he would like to have a time limit of 72 hours to call a special meeting. Mayor Anderson said he feels that it would be better to have several pairs of eyes looking for persons violating permits and that is what they would have if the Council has to act on these permits.

Councilmember Bursham said if all requirements are met the Council could not stop construction. Councilmember Gallaway said the Council could accomplish the same thing by requesting a copy of the permits as they are issued.

Dean Eggena said that if he has a plan that meets all City ordinances he should not have to wait three days for the permit when it could not be turned down. He said he would hope the Council would not pass this ordinance because of the additional paperwork and because the Council cannot say no anyway. Mr. Eggena suggested that the Council get a copy of all permits to review.

Councilmember Gallaway said she would like to see the council have access to all permits to review not just

the Commercial. MOTION NO. 1291-02-89 WAS MADE BY COUNCILMEMBER GALLAWAY AND SECONDED BY COUNCILMEMBER BURSHEM THAT WITHIN THREE DAYS AFTER A PERMIT IS ISSUED, REGARDLESS OF CLASSIFICATION OR ZONE, A COPY OF IT WILL BE PLACED ON FILE IN THE CITY CLERK'S OFFICE FOR ALL COUNCILMEMBERS OR COMMISSION MEMBERS TO REVIEW. COUNCILMEMBERS BURSHEM AND GALLAWAY VOTED AYE, COUNCILMEMBERS ARENDS AND MILLER VOTED NAY, MAYOR ANDERSON BROKE THE TIE BY VOTING AYE. MOTION PASSED.

The next item was a letter from Widseth, Smith, Nolting and Associates approving the roads in White Pine Shores and requesting that the cash bond be released. Mayor Anderson said Road Supervisor Pat Hoag stated that there are some low spots in the road that held water this Fall and the rip rap that was put in was not put in to protect the shoulder from bank rats because it does not go down into the water. Mayor Anderson recommended that 85 percent of the \$33,140.62 be refunded and 15 percent be held until corrections could be made in the Spring. MOTION NO. 1291-03-89 WAS MADE BY COUNCILMEMBER ARENDS AND SECONDED BY COUNCILMEMBER MILLER TO HOLD BACK 15 PERCENT OF THE CASH BOND OF \$33,140.62 FOR THE WHITE PINE SHORES ROADS UNTIL CORRECTIONS ARE MADE IN THE SPRING. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

The next item was a letter from Donald Coulter, Surveyor stating that the legal description in the Quit Claim Deed from Winiecke's for Chatham Park accurately describes the boundaries of the existing roadway. Motion No. 11R-15-89 approved accepting the roads as City Roads subject to approval of the Quit Claim Deed by Mr. Coulter.

Larson, Allen, Weishair and Company had been contacted to report to the City as to the feasibility of obtaining bonds to pay for the loader and fire truck and thereby replenishing the general fund balance. It was stated in a letter from their firm representative that it is better for the City to have a low fund and debt balance than to have a high fund and debt balance. It was the consensus of the Council to not go any farther with the bonding at this time.

The next item on the agenda was a letter from City Attorney James Gammello to Tom Fitzpatrick, Attorney who represents Paul Bilzerian in the Andolshek Bed and Breakfast. Mr. Gammello stated in the letter that the City is not a party to the agreement between Ms. Andolshek and Mr. Bilzerian and that to date Ms. Andolshek has not made a new application for the change

of the Conditional Use Permit. Mayor Anderson said at this point the City will just sit tight until we hear more.

Mayor Anderson said he had requested a list of commission members and the time each of their terms expired and would be going over the lists to make appointments. Mayor Anderson also stated that there will be a Public Hearing at the next regular Council Meeting to address the possibility of having optional commissions for those who have a problem getting a quorum.

The Mayor called for a 15 minute break at 2:35 p.m.

Mayor Anderson reconvened this Special Council Meeting at 2:50 p.m. The reading of the Planning and Zoning ordinances began on Page 196. Mayor Anderson said he would leave pages 187 thru 195 until we make shoreline changes, probably in January.

Signs in Crosslake were discussed briefly. Mr. Kingstedt explained to the Council that the fee is now \$50 for five years instead of the \$30 which was previously charged. Mr. Kingstedt said he feels that most of the signs in the City have a permit.

Real estate signs and temporary signs were mentioned with the possibility of including something in the new ordinances to cover these.

Parking was also discussed. The Game and Fish Flea Markets were mentioned as a problem during the summer.

Also discussed were septic permits being issued at the time a permit is issued for a storage building or garage.

MOTION NO. 1261-04-89 WAS MADE BY COUNCILMEMBER BURSHEM AND SECONDED BY COUNCILMEMBER GALLAWAY TO ADJOURN THIS PUBLIC HEARING AND SPECIAL COUNCIL SESSION AT 4:30 P.M. MOTION PASSED WITH COUNCILMEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

The complete tape of this meeting is on file in the City Clerk's office.

Recorded and transcribed by:  
Arlene A. Buchite, City Clerk/Treasurer

*Arlene A. Buchite*