

TAMARACK ROAD FINAL ASSESSMENT HEARING
CITY OF CROSSLAKE
NOVEMBER 18, 1999
7:00 P.M. – CITY HALL

Pursuant to proper notice duly given as required by law, the City Council met in the Council Chambers of City Hall to hear and pass upon all objections to proposed assessments for the improvement of Bonnie Lakes Trail, Bonnie Lakes Lane, Tamarack Road (formerly McClintock Road), Tamarack Trail, and Tamarack Lane (lying within the Plats of Goodrich and O'Brien Lake Shores, 1st Addition to Goodrich and O'Brien Lake Shores and 2nd Addition to Goodrich and O'Brien Lake Shores). Present at the hearing was Mayor Darrell Swanson, Councilmembers Charles Miller, Irene Schultz, Dean Swanson and Richard Upton. Also present was City Administrator Thomas Swenson, City Attorney Steve Qualley, City Engineer Dave Reese, Deputy Clerk Darlene Roach and Public Works Foreman Pat Hoag. (Sign in sheet attached as a permanent part of the minutes.)

Mayor Swanson called the public hearing to order at 7:00 P.M. and stated that the purpose of the meeting was to hear any comments or objections to the proposed assessment for the improvement of Tamarack Road. City Administrator Swenson read the Affidavit of Mailing and Publication. Copies of the published notice, copies of the postage paid dated envelopes and copies of the record of assessment was included with the Affidavit. No letters were received regarding the project.

City Engineer Dave Reese presented the project summary containing estimated project cost and actual project cost. The feasibility study completed by Widseth Smith Nolting estimated the cost of the project at \$369,000 or an estimate of \$1,845 per equivalent lot. The actual project cost came in at \$229,981.88. The City will pay 50% of the cost of the improvement project or \$114,990.94. The assessable portion is 50% of \$229,981.88 or \$1,179.39 per equivalent lot. The total number of equivalent lot units is calculated at 97.5, which is down from 100 estimated during the feasibility study. The reduction in cost was the result of a review by the Public Works Commission to leave the road elevation where it was and to utilize the Class 5 already on the road. The change in equivalent lots was due to the City's policy on corner lots and rezoning changes made after the feasibility study was done.

Mayor Swanson read a letter received from Arnie Berg who expressed his satisfaction with the road, however, had a concern about the guard rail which was installed about one foot from the edge of the pavement making the driving width of the road narrow. City Engineer Dave Reese commented that the engineers thought the guard rail was necessary due to the steep slope on the side of the road. The reason for it being close to the roadway is due to the physical location of the roadway. He stated that another concern is the underground gas line buried in the area. Mr. Berg also expressed concerns about snowplowing in the area of the guard rail. Leo Boog commented that the guard rail presents a problem and that three cars leaving his driveway hit the rail. Councilmember Upton requested an explanation from the City Engineer as to why the guard rail could not

be placed back two to three feet from the road. City Engineer Dave Reese stated the reason was primarily due to the gas line since the guard rail posts must be hand dug. Councilmember Miller asked why the guard rail extended for 125 feet. Mayor Swanson felt the guard rail issue should be considered as a punch list item that can be addressed later. Councilmember Swanson suggested that the issue be addressed by the Public Works Commission. Mayor Swanson read a letter from Leo Boog regarding the guard rail. MOTION PH11-11-01-99 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO REFER THE ISSUE OF THE GUARD RAIL BACK TO THE PUBLIC WORKS COMMISSION FOR A RECOMMENDATION TO THE THE CITY COUNCIL. MOTION CARRIED WITH ALL AYES. Mayor Swanson read a letter from Peg Boog who expressed concern with having received four equivalent lots at project completion after having been assigned two during the feasibility study. City Administrator Swenson stated that the original notice that was sent out contained a disclaimer that the projected lots was only a preliminary estimate based on looking at maps and plats. Councilmember Upton inquired as to how much acreage Ms. Boog owned and she indicated 24 acres of which most is wetland. City Engineer Dave Reese stated that they looked at the lot size based on zoning and determined that the property could be subdivided into four equivalent lots. He stated that the engineering firm did not do a survey but made a determination based on lineal frontage. He stated that based on 40,000 square feet, space would be available for a drainfield and a home. City Attorney Qualley stated that the City must look at what is the highest and best use of the property and not how the owner currently uses the property. He stated that an appeal process is available through District Court and that the judge would look at the overall benefit the improvement has to the property. Mayor Swanson read a letter dated November 4, 1999 from John and Miriam Corkery and a reply sent by City Administrator Swenson. Mayor Swanson read a letter dated November 10, 1999 from Randy and Tracy Gustafson. Mayor Swanson suggested that the City Administrator reply to the Gustafson letter. Leo Boog stated that he has spoken with a land appraiser and a surveyor who felt there was no way Peg Boog's property should have been assessed for four lots. An option discussed was giving the wetland back to the State or DNR. There being no further comments by the Council or public, MOTION PH11-11-02-99 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO APPROVE RESOLUTION 99-96 ADOPTING THE ASSESSMENT ROLL FOR TAMARACK ROAD FOR WITH A TEN YEAR PAYMENT SCHEDULE. City Administrator Swenson stated that a survey of the Peg Boog property would be very helpful. Councilmember Swanson concurred that if a survey was brought in maybe the Council could negotiate. MOTION CARRIED WITH ALL AYES.

MOTION PH11-11-03-99 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO ADJOURN THIS FINAL ASSESSMENT HEARING FOR TAMARACK ROAD AT 7:45 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by:



Darlene J. Roach, Deputy Clerk

Tamarack Road
Public Hearing

7:00 P.M.

Thursday, November 18, 1999

Sign-In Sheet

Tamarack Road

Name	Address	Phone Number
Patricia Hoover	City of Crosslake	
Richard J. Olson	City Hall	
Jean Schultz	city Hall	
Janet Swanson	City Hall	
Dean L Swanson	" "	
Charles Spilly	" "	
Steve Whalley	" "	
Guiz Krzyz	36098 TAMARACK RD	692-4153
Dan Rene	WSN	
Tom Swanson	City Administrator	
Nancy Beach	City Hall - employee	
Rita Boog	City 36166 Tamarack	3171
Peg Boog	36166 Tamarack Rd.	692-3171
Peg Boog	Tamarack Rd 2137 Nortonia Ave, St. Paul	651.730.9256

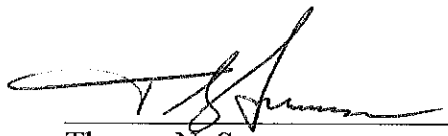
RESOLUTION 99-96
RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to proposed assessment for the improvement of Bonnie Lakes Trail, Bonnie Lakes Lane, Tamarack Road (formerly McClintock Road), Tamarack Trail, and Tamarack Lane (lying within the Plats of Goodrich and O'Brien Lake Shores, 1st Addition to Goodrich and O'Brien Lake Shores and 2nd Addition to Goodrich and O'Brien Lake Shores) by constructing street and drainage improvements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CROSSLAKE, MINNESOTA:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday of January 2000, and shall bear interest at the rate of 6% per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1999. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the County Auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which such payment is made. Such payment must be made before November 15th or interest will be charged through December 31st of the next succeeding year.
4. The Administrator shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax list of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the council this 18th day of November, 1999.



Thomas N. Swenson
City Administrator



Darrell E. Swanson
Mayor