

OX LAKE LANDING FINAL ASSESSMENT HEARING  
CITY OF CROSSLAKE  
NOVEMBER 16, 1999  
7:00 P.M. – CITY HALL

Pursuant to proper notice duly given as required by law, the City Council met in the Chambers of City Hall to hear and pass upon all objections to proposed assessments for the improvement of Ox Lake Landing/Ojibway Trail beginning at Daggett Pine Road, Ojibway Circle, Moccasin Drive (formerly Arrowhead Drive) and Buckskin Lane located North of Daggett Pine Road and within the Plat of Ox Lake Landings. Present at the hearing was Mayor Darrell Swanson, Councilmembers Charles Miller, Irene Schultz, Dean Swanson and Richard Upton. Absent was City Administrator Thomas Swenson. Also present was 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 hearing was to hear and pass upon all objections to the proposed assessment for the improvement to Ox Lake Landing Roads. Mayor Swanson read the Affidavit of Mailing and Publication signed by City Administrator Swenson. A copy of the published notice, copies of postmarked envelopes and copies of the records of assessment was included with the Affidavit. MOTION PH08-11-01-99 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO APPROVE RESOLUTION 99-93 ADOPTING THE ASSESSMENT FOR OX LAKE LANDING/OJIBWAY TRAIL BEGINNING AT DAGGETT PINE ROAD, OJIBWAY CIRCLE, MOCCASIN DRIVE AND BUCKSKIN LANE LOCATED NORTH OF DAGGETT PINE ROAD AND WITHIN THE PLAT OF OX LAKE LANDINGS WITH A TEN YEAR PAYMENT SCHEDULE.

City Engineer Dave Reese presented the project summary for the road improvement. He stated the project has been completed, the certification roll has been presented to the City Council and notices were sent to all property owners. The feasibility study completed by Widseth Smith Nolting estimated the cost of the project at \$264,000 or an estimate of \$1,160 per equivalent lot. The actual project cost is \$299,832.75. Of this amount, \$3,253.75 is the cost of the commercial road upgrade. The commercial upgrade cost will be paid by the City for those lots rezoned from commercial to residential during the project. Three property owners will be assessed for the commercial upgrade. The total City share including the commercial upgrade is \$149,968.85. The total assessable share including the commercial upgrade is \$149,863.90. The total number of equivalent lot units is calculated at 112.5, which is down 1.5 units from the number estimated during the feasibility study. The major difference in cost between the feasibility study and the actual cost is due to an increase in common excavation and grading. There was some cost savings by using the existing gravel base.

Mayor Swanson read a letter dated November 11, 1999 from Dwight and Margy Lee who strongly object to being assessed three equivalent lot units. It was noted for the record, that the equivalent lot units were changed from three to two prior to the City having received the letter from Dwight and Margy Lee. Another concern expressed in the letter was in regards to blacktopping driveways from the road to the property line to guard against erosion. A letter dated November 14, 1999 from Frank Cserpes, Jr. was also read by Mayor Swanson. City Engineer Dave Reese stated that it is not the City's policy to blacktop driveways and this was brought out in the initial hearings. Public Works Foreman Pat Hoag stated that there was some erosion during construction at the driveway entrance, however, once the turf is established it will be monitored. City Engineer Dave Reese commented on Mr. Cserpe's letter. He stated that zoning determines the number of lots. For R1, 150' of frontage on the road is needed along with 40,000 square feet to create a lot. It was determined that Mr. Cserpe's property could be subdivided into six equivalent lot units. Mr. Cserpe's stated that if his plans included subdividing, he could understand the six lots, however, that is not his intention. City Attorney Qualley stated that the City has to look at the highest and best use of the land not the present use of the land. Leo Fraser commented that the topographical characteristics of his property are not conducive to platting out in 150' increments. He offered to lay stakes in 150' increments and let the Council look at the topography. Councilmember Upton asked the City Attorney who the final arbitrator is in determining whether property is buildable. City Attorney Qualley stated that the final question is to look at the entire parcel and what it's potential is for development. Mayor Swanson stated that this is what the judge would determine. City Engineer Reese stated that State Statute does not determine how assessments are to be done, but rather the City determines what is the fairest way to determine costs. The Crosslake City Council has determined the equivalent lot method is the most equitable method. Councilmember Upton asked the City Attorney to recite the process for appeal. There being no further comments from the public, MOTION CARRIED WITH ALL AYES.

MOTION PH08-11-02-99 WAS MADE BY RICHARD UPTON AND SECONDED BY DEAN SWANSON TO ADJOURN THIS PUBLIC HEARING AT 7:26 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by:



Darlene J. Roach  
Deputy Clerk



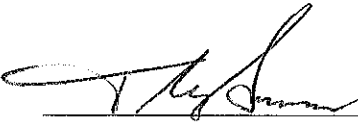
RESOLUTION 99-93  
RESOLUTION ADOPTING ASSESSMENT

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 Ox Lake Landing/Ojibway Trail beginning at Daggett Pine Road, Ojibway Circle, Moccasin Drive (formerly Arrowhead Drive) and Buckskin Lane located North of Daggett Pine Road and within the Plat of Ox Lake Landings by constructing street and drainage improvements.

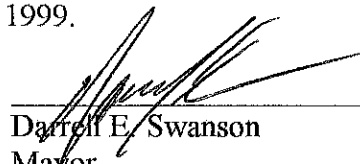
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CROSSLAKE, MINNESOTA:

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 16<sup>th</sup> day of November, 1999.



Thomas N. Swenson  
City Administrator



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Darrell E. Swanson  
Mayor