

LAKESHORE/PARK DRIVE FINAL ASSESSMENT HEARING
CITY OF CROSSLAKE
NOVEMBER 4, 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 Lakeshore Drive beginning at Happy Landing Road a distance of approximately 3600 feet and the entire length of Park Drive beginning at Lakeshore Drive and ending at Lakeshore Drive. Present at the hearing was Councilmembers Charles Miller, Irene Schultz, Dean Swanson and Richard Upton. Absent was Mayor Darrell Swanson. 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. There were five individuals in the audience. (Sign in sheet attached as a permanent part of the minutes.)

Deputy Mayor Miller called the public hearing to order at 7:00 P.M.

City Engineer Dave Reese presented the project summary for the project. 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 \$260,000 or an estimate of \$1912 per equivalent lot. The actual project cost came in at \$143,825.71. The City will pay 50% of the cost of the improvement project or \$71,912.86. The assessable portion is 50% of \$143,825.71 or \$876.99 per equivalent lot. The total number of equivalent lot units is calculated at eighty-two, which is up from sixty-eight estimated during the feasibility study. The major difference in cost between the feasibility study and the actual cost is due to the amount of excavation done and topsoil restoration originally estimated. The Public Works Commission reviewed the project and determined that the grade would not need to be changed. The increase in equivalent lots was due to current zoning of properties.

City Administrator Swenson read portions of the Affidavit of Mailing which certifies that a notification of the hearing and record assessment was mailed to each property owner and that a copy of the dated envelope was attached to the affidavit. Deputy Mayor Miller acknowledged the mailing as a matter of record.

Deputy Mayor Miller called for questions from the Council and from the audience. Thomas Hilderuth, property owner on the corner of Park Drive and Lakeshore Drive stated that he only found out about the road project about three months ago and questioned why Park Drive was blacktopped since Indian burial grounds are located in the area of the road. City Administrator Swenson stated that this was a petitioned project by property owners. Councilmember Upton asked City Engineer Dave Reese whether he was aware of the burial grounds and he indicated that he was not aware of this. Public Works Foreman Pat Hoag stated that he was aware of burial grounds on Happy Landing Road but not on Park Drive. City Administrator Swenson provided a copy of a letter


which was sent to Mr. Hilderuth informing him of the initial hearing on the project. Mr. Hilderuth stated that he had not received the letter. Attorney Qualley stated that Minnesota Statutes speaks about notification and publication and failure to receive a mailed notice does not invalidate the project since no property owner has veto rights. Deputy Mayor Miller stated that there would be no difference between a gravel road or a blacktopped road as regards to the burial ground.

Clifford Mansmith addressed the Council and complimented Tri City Paving on the blacktop job, however, was concerned about the number of dirt clumps that were left in the ditches. He showed samples of these dirt clumps to the Council. City Engineer Dave Reese stated that this situation was listed on the punch list and the City will retain money for turf restoration. Mr. Mansmith stated that where the contractor side dressed the road, it's a mess. City Engineer Reese stated that the topsoil was tested and met specifications. Councilmember Swanson shared Mr. Mansmith's concerns and gave him his word that the problem would be corrected. Deputy Mayor Miller concurred but stated it was too late in the year and the only thing that could be done now would be to retain payment.

There being no further questions from the Council or the public, MOTION PH04-11-01-99 WAS MADE BY IRENE SCHULTZ AND SECONDED BY RICHARD UPTON TO APPROVE RESOLUTION 99-79 ADOPTING THE ASSESSMENT ROLL FOR LAKESHORE/PARK DRIVE WITH A TEN YEAR PAYMENT SCHEDULE. MOTION CARRIED WITH ALL AYES.

MOTION PH04-11-02-99 WAS MADE BY DEAN SWANSON AND SECONDED BY IRENE SCHULTZ TO ADJOURN THIS FINAL ASSESSMENT HEARING FOR LAKESHORE/PARK DRIVE AT 7:25 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by:



Darlene J. Roach, Deputy Clerk

RESOLUTION 99-79
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 Lakeshore Drive beginning at Happy Landing Road a distance of approximately 3600 feet and the entire length of Park Drive beginning at Lakeshore Drive and ending at Lakeshore Drive by constructing street and drainage improvements.

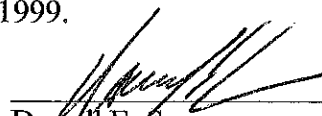
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CROSSLAKE, MINNESOTA:

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 31 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 4th day of November, 1999.



Thomas N. Swenson
City Administrator



Darrell E. Swanson
Mayor