

PUBLIC HEARING
BRITA AND PINEVIEW LANE
CITY OF CROSSLAKE
FRIDAY, JANUARY 6, 2006
8:00 P.M. – CITY HALL

Pursuant to due notice and call, the City Council held a public hearing on Friday, January 6, 2006 at 8:00 P.M. at City Hall for the purpose of hearing information regarding the proposed improvement to Brita and Pineview Lane and to receive public comment. The following Councilmember's were present: Mayor Jay Andolshek, Terry Curtis, Dean Eggena, Dick Phillips and Dean Swanson. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, Public Works Director Ted Strand, Clerk/Treasurer Darlene Roach, City Engineer Dave Reese and City Attorney Paul Sandelin. There were ten individuals in the audience.

Mayor Andolshek called the public hearing to order at 8:00 P.M. and turned the meeting over to City Administrator Tom Swenson.

City Administrator Tom Swenson read the Affidavit of Mailing confirming that a copy of the notice of hearing was deposited in the U.S. Post Office on December 12, 2005 with postage prepaid in an envelope containing the name and address of the property owner based on current tax records received from the Crow Wing County Auditor's Office. On December 15th and December 22nd the Notice of Hearing was published in the City's official newspaper, the Lake Country Echo. No correspondence was received regarding this project.

The meeting was turned over to City Engineer Dave Reese who presented an overview of the feasibility report prepared by Widseth Smith Nolting as authorized by the Council under Chapter 429 of Minnesota State Statute based on a petition received by the City from the property owners adjacent to the roads. The full report is available at City Hall. City Engineer Dave Reese stated that the purpose of his presentation is to review the existing conditions of the road, discuss what is proposed for the roadway and the cost of the proposed improvement. Since this is a non-maintained road, this hearing is a required step in the assessment process. The project area includes all of Brita Lane and Pineview Lane as identified by a 66 foot wide right-of-way in the Johnson's Pine View Plat. A portion of roadway extending from Brita Lane to CSAH #36 crosses privately owned property which is accessed by private easement and is not included in the project area. Also eliminated in this study is the portion of roadway extending beyond the platted right-of-way of Pineview Lane through Lot 10 and into Outlot A. The project begins at the end of the pavement on Shafer Road near Lot 6, Block 2 of the Johnson's Pine View Plat. The City Council previously authorized the City Attorney to begin condemnation proceedings to obtain the right-of-way in order to proceed with the improvement. Currently, Brita Lane and Pine View Lane are sand trails. The width of the traveled way varies from 8 to 14 feet. There are no significant trees in the right-of-way, however, there is low brush growth up to the edge of the traveled way. There is no ditching in most areas and visibility is poor. Drainage appears to lie upon the roadway in most areas, as the road is lower than the surrounding ground surface. There are no City utilities except telephone and cable in the project area. Other utilities are likely buried within the roadway. Based on right-of-way widths and the number of properties served, Brita Lane

would be categorized as a Rural Roadway with 20 foot wide pavement, 2 inch thick bituminous on a 4 inch thick aggregate base and topsoil shoulders. Clearing and widening of the existing right of way and easements will be necessary. Grading will be required to elevate the road surface and construct ditches. The portion of Pine View Lane connecting Shafer Road and Brita Lane will also be constructed to the same standards. An 18 foot wide pavement surface with 2 inch thick bituminous on a 4 inch thick aggregate base and top shoulders is proposed for Pine View Lane. Less clearing and grading will be required along this roadway. The roadway contains steep grades and cut/fill areas. A branch style turnaround is recommended within the right-of way of Pine View Lane where the platted roadway ends. Approaches or bituminous kickouts will be constructed to match existing driveway entrances. The estimated cost of the project is \$176,800 with the cost of construction \$116,392.50; a 15% construction contingency of \$17,458.88; engineering design, surveying and construction observation costs of \$29,500 and \$13,400 in legal and administrative costs. One hundred percent of the cost will be paid by the benefiting property owners based on equivalent lots which are estimated at 26.5 for a cost of \$6,680 per lot. If assessed at 8% interest over a period of five years, the annual cost would be \$1,673. If assessed at 8% interest over a period of 10 years, the annual cost would be \$996 and if assessed at 8% over 15 years, the cost would be \$780 annually.

Dean Spencer, resident of Pine View Lane, addressed the Council and stated that 600 feet is being eliminated since the last meeting due to the project not extending out to CSAH #36 yet the cost is the same.

Jason Amsden and Cassandra Amsden, residents of Brita Lane, addressed the Council and stated that they are all for the road and for paying for it, but if it is not going to be done right, why do it. They mentioned that Ron Schmidt is not in favor of the improvement, but Amsden's have a private easement to cross the road going out to CSAH #36. They also questioned why Pineview and Brita are being done as one project and why Shaffer wasn't finished when it was paved previously. Jason Amsden passed out a copy of the Deed of Appurtenant Easement which allows for the purpose of ingress and egress to Johnson's Pine View, over and across and upon all existing roads located on a described piece of property noted in the deed. Cassandra Amsden asked whether the ambulance or fire truck would use this easement in case of an emergency and it was agreed that they would access property through any possible means in an emergency. Cassandra also commented that if it was improved, the school bus could go through as well. Mike Amsden addressed the Council and stated that the property owners are asking for help to get the 600 feet improved out to CSAH #36 and felt the Council should be able to do this. Amsden felt this is an important spot and if the gravel path isn't opened up, its a long way around from Shafer Road.

Michelle Schmidt addressed the Council and stated that their property is not located in Johnson's Pine View Plat and to take three-quarters of an acre of property away and still be assessed would be costly. Schmidt also felt that Sam Dunbar would end up with an unbuildable lot if he gave an easement to the City. Ron Schmidt addressed the Council and stated that they would never use Brita Lane to access their property since they have access to CSAH #36.

Councilmember Eggena stated that it has been the policy since 1996 that if your property abuts, you pay an assessment whether you use the roadway or not. Also, Chapter 429 states that if the road improves the value of the property, the City can assess the property owner.

Councilmember Swanson stated that these parcels were not a part of the petition that was submitted to the City, but did agree with Jason and Mike Amsden that it is a safety and health issue to not improve the road out to CSAH #36. Swanson asked why the prescriptive easement couldn't be used to get it done. Michelle Schmidt stated that they are not opposed to the project but were opposed to how much land the City would be taking without payment and then also be assessed. She stated that she wasn't even notified of the proposed improvement. Councilmember Eggena stated that if the City decides it needs a road, eminent domain would require the City to pay for the property that is taken.

City Attorney Sandelin noted that two or three years ago when the property owners petitioned the City for improvement to the road, the City ran into the same problem and the property owners, including the Schmidt's, were sent a letter asking for a conveyance of property.

Councilmember Eggena commented that it is the dedication language in the plat that determined that the road was dedicated to the property owners in the plat and not to the City.

There was some discussion regarding the condemnation proceedings and it was noted that these costs would be included in the project cost assessed to the property owners.

Councilmember Curtis agreed with Jason Amsden, that if we do the improvement, we should do it right.

Councilmember Swanson stated that the property owners keep putting the dedication issue back on the Council when it should be the property owners who resolve this language in their plat.

Cassandra Amsden stated that she has spoken with Michelle Schmidt but inquired as to Sam Dunbar's position in this.

Councilmember Eggena asked how long it would take to come up with footage to get the road from the end of Brita Lane to County Road #36. City Engineer Dave Reese stated that they would need to have an understanding from the City as to where the road should be situated. Ron Schmidt stated that he has a survey that he would provide to WSN and Reese stated that assuming the easement is 66' in width, it would probably take two to three weeks.

City Administrator Swenson asked if the Council could recess this hearing and reconvene the hearing in two to three weeks and City Attorney Sandelin stated that if the City were increasing the scope of the project, the City would need to re-notice the property owners.

Kate Wendall addressed the Council stated that it would be great if this could get done since it has been going on and on. The property owners have been maintaining the area for a long time and it needs to be completed.

There was considerable discussion regarding the realignment of the road to use minimal property and involve minimal property owners. Tony Marks addressed the Council and stated that he owns property in the area that could possibly be used, but would need to discuss this with his sisters before making a commitment.

Cassandra Amsden commented that Brian Scheuss needs to be involved along with the Schmidt's and Sam Dunbar.

Councilmember Curtis asked who would be spearheading the project and Councilmember Eggena stated that it will be on the agenda for the Regular Council Meeting on January 9th. Curtis asked what more would be known in 48 hours and Mayor Andolshek stated that it would give the Council time to think about the situation.

There being no further comments, MOTION PH5-01-06 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO CLOSE THE PUBLIC HEARING AT 9:12 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,



Darlene J. Roach
Clerk/Treasurer

Shared: Public Hearing – Brita and Pineview Lane – January 6, 2006

