

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
PUBLIC HEARING
APRIL 27, 1990

The City Council for Crosslake Minnesota met in a special Public Hearing on Friday, April 27, 1990 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 Will Hoyt, Civil Engineer from Landecker and Associates, Inc.; Pat Hoag, City Maintenance Supervisor; City Clerk Arlene A. Buchite; and approximately 45 property owners and residents.

Mayor Anderson called this Public Hearing to order saying that the first item on the agenda would be the Rubbish Haulers Ordinance. Mayor Anderson said the City is going to either have to enforce or rescind the ordinance and he does not feel that it is a workable ordinance because of the City's liability. Mayor Anderson said he had a request from Al Benson to hold off on a decision until the May 14, 1990 regular council meeting.

Member Burshem said that if it is a legal issue the City should get a legal opinion from City Attorney Gammello to see if there are liabilities for the City or not. Member Arends said he thinks it should be kept on the books because it was put there to protect the people of Crosslake.

MOTION NO 4PH-01-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER GALLAWAY TO HAVE THE CITY ATTORNEY RESEARCH THE LIABILITIES THE CITY MIGHT INCUR BY KEEPING THE RUBBISH HAULERS ORDINANCE ON THE BOOKS AND TO PLACE THIS TOPIC ON THE MAY 14, 1990 REGULAR COUNCIL AGENDA. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

The next item on the agenda was the White Pine Shores Road Bond which is being held. Member Miller said the Road Commission had recommended the previous evening that the Bond be held until the ditches are seeded. Mr. Miller said the rip-rap was put in according to the specifications and Class 5 is being hauled into the low areas by the contractor. MOTION NO. 4PH1-02-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER ARENDS TO RETAIN THE MONIES UNTIL SUCH TIME THAT THE DITCHES ARE SEEDED. MOTION PASSED WITH MEMBERS ARENDS, BURSHEM, GALLAWAY AND MILLER VOTING AYE.

Mayor Anderson stated that the last item on the agenda is the blacktopping of Lakeshore Drive (Sandorest), Rushmoor Boulevard, Riverwood Lake and Silver Peak Road. Mayor Anderson turned the meeting over to Mr. Will Hoyt.

Mr. Hoyt told the Citizens present that the City received petitions to have the four roads blacktopped and the City has a policy whereby any dirt road that is blacktopped will be 100 percent assessed back to the property owners. Mr. Hoyt stated that there was approximately 50 percent who signed the petitions to have the roads done. Mr. Hoyt stated that unless the petition has the signatures of 100 percent of the affected property owners, the City must hold at least two Public Hearings. Mr. Hoyt stated that this hearing was called the preliminary hearing would hopefully give the Council enough information to vote to either go ahead with the project or drop it. If the Council decided to go ahead with it the next step would be to get plans and specification prepared and then the final step will be a hearing with final amounts to be assessed against the property owners. Mr. Hoyt stated that the amounts sent to the property owners with the preliminary notice were only estimates but the final amount should be fairly close.

Mr. Hoyt explained that the City policy for existing blacktop roads is that the City pays 60 percent and 40 percent is assessed to the property owners.

Mr. Hoyt said the City policy calls for assessing at a per lot basis because they feel that that is the most fair way to do it.

Mr. Hoyt stated that Lakeshore Drive would include paving the initial 2,100 lineal feet because that was what the petitioners requested to have paved and is also based upon existing development patterns. The existing road grade, width and gravel base are adequate according to Mr. Hoyt. The estimated total project cost including construction, 10% contingencies and 15% engineering fee is \$25,500.00.

Rushmoor Boulevard project would include paving Rushmoor Boulevard, Rushmoor Road East and Rushmoor Road West which is approximately 2,800 lineal feet of road plus a large cul-de-sac according to Mr. Hoyt. There are no public turnarounds and additional clearing and grading is recommended plus some erosion control measures are recommended with the total cost estimated at \$46,000.00.

The Riverwood Lane would include paving of 1,200 lineal feet of Riverwood Lane and about 300 lineal feet of the North section of the T at the end of the road. No public turnarounds exist. The estimated total project cost would be \$26,400.00 according to Mr. Hoyt.

Silver Peak Road project would include the paving of approximately 1,000 lineal feet and some additional clearing and grading would be recommended plus some erosion control measures near the end of the road. No public turnarounds exist. The total estimated cost for this project would be \$16,700.00 according to Mr. Hoyt.

Mr. Hoyt stated that the roads would be considered separately and the first one to be considered would be Lakeshore Drive. Mr. Hoyt read two letter in favor of the project into the record. Two residents present were also in favor of the project. Mr. Hoyt said the percentage was probably 60 to 70 percent in favor. MOTION NO. 4PH-03-90 WAS MADE BY MEMBER BURSHAM AND SECONDED BY MEMBER MILLER TO APPROVE THE LAKESHORE DRIVE PROJECT. UPON ROLL-CALL VOTE IT WAS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Next was Silver Peak Road. Mr. Hoyt read two letter one which stated they had sold their property and the other said they were against having it done. One property owner was present with letters from two of her neighbors who were both in favor as was she. Another resident was present to ask why the City would not pay to have the road done and why a dead end road that is well maintained should have to be blacktopped. Mayor Anderson said that years ago the City did pay for the blacktopping but the policy has changed and no roads will be blacktopped unless there is a majority of property owners who request to have it done. Another new property owner was against having the road done. Mayor Anderson said at this point there are 10 yes votes out of 17. Another property owner said he is in favor and he would also like to see some dead end sign installed to deter traffic from coming down the hill. Another property owner said she is being assessed for three lots and she cannot afford it. Mr. Bursham asked about deferring some of the costs of the three lots. Mr. Hoyt said that the estimates are his best guess at this point and the Council can choose to defer an assessment or they can split it up between the other property owners. Mayor Anderson said he would like to see two of the three assessments deferred until the property is sold. Mr. Bursham stated that that would be decided at the next hearing. MOTION NO. 4PH-04-90 WAS MADE BY MEMBER BURSHAM AND SECONDED BY MEMBER MILLER TO APPROVE SILVER PEAK ROAD PROJECT. UPON ROLL CALL VOTE ARENDS, BURSHAM, GALLAWAY AND MILLER VOTED AYE.

Mr. Hoyt stated that the assessments can be spread out over a number of years at the option of the Council. The interest currently being charged on road work is 8 3/4 percent.

The next road for consideration was Riverwood Lane. Mr. Hoyt read 4 letter from property owners opposing the project because some of them were not abutting property owners. One letter was read in favor. An abutting business owner was present and said he was in favor because the road is dusty and is always a washboard. A property owner from the very end said he was originally in favor but since the paving is not going to the end he is not sure he should pay. He also said he would like to have the road graded once in a while. Member Bursham asked if it would be possible to blacktop it even if it is only 25 feet wide on the end and Mayor Anderson said we could not without more right-of-way and the lots were too small to get any more right-of-way. The property owner said he would go along with it

and hope he can get some grading done once in a while. Another owner on the South of the T said it is only a trail not a road. Mayor Anderson said at this point it was 15 out of 32 in favor of the project which is not 50 percent or more. Another person present said he was in favor. Mayor Anderson said this is basically a 50/50 stand off. Mayor Anderson said if Mr. Svedvick was in favor it would be 18 for the project. Discussion ensued regarding deferred assessments for Mr. Svedvick.

Mr. Hoyt said that at a later meeting it could be decided if Mr. Svedvick would be assessed for two or three lots. Mr. Hoyt said for the people who live on the trail the Council could decide to assess them a lesser amount than those who abutt the blacktop or there could be no assessment for those people. Mayor Anderson said the project could be rejected at the time the bids were opened also but he does not want to see a lot of Engineer's fee on the project and then have it dropped. Member Miller said he did not feel comfortable with a majority of two to go ahead with the project. Mayor Anderson suggested using the same type of voting that was done for Dream Island.

MOTION NO. 4PH-05-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER ARENDS TO CONTINUE THIS PUBLIC HEARING UNTIL SUCH TIME THAT THE PROPERTY OWNERS CONDUCT A POLL BY MAIL AND GIVE THE RESULTS TO THE COUNCIL IN TIME FOR THE JUNE MEETING. A resident present told the Council that this road is more of an industrial road and does not stay graded for more than a day. Mayor Anderson suggested ending the blacktop at the T in the road. A resident said that if people did not respond to the notice it should show they are not against it. A resident asked if simple majority would be the determining factor. Mayor Anderson said the rest of the roads approved have been around 60 percent in favor. Member Burslem said he thinks the City should go ahead with the project because of the commercial properties on the road. UPON ROLL CALL VOTE MEMBERS ARENDS AND MILLER VOTED AYE AND GALLAWAY AND BURSHAM VOTED NAY. MAYOR ANDERSON VOTED AYE BUT STATED IT TAKES A 4/5 MAJORITY TO PASS THIS TYPE OF RESOLUTION. MOTION DID NOT PASS.

MOTION NO. 4PH-06-90 WAS MADE BY MEMBER BURSHAM AND SECONDED BY MEMBER GALLAWAY TO APPROVE THE ENTIRE PROJECT AS PRESENTED ON RIVERWOOD LANE BASED ON THE FACT THAT APPROXIMATELY 57 PERCENT OF THE RESIDENTS WERE IN FAVOR OF THE PROJECT. ROLL CALL VOTE WAS MEMBERS ARENDS AND MILLER NAY AND MEMBERS BURSHAM AND GALLAWAY AYE. MOTION DID NOT PASS.

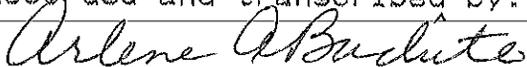
MOTION NO. 4PH-07-90 WAS MADE BY MAYOR ANDERSON AND SECONDED BY MEMBER MILLER TO GO AHEAD WITH THE PROJECT EXACTLY WHAT IS SHOWN ON THE MAP WITH THE ASSESSMENTS TO BE PAID BY THE EAST/WEST RESIDENTS AND THE RESIDENTS FRONTING ON LOTS 5, 6, 7, AND 8. UPON ROLL CALL VOTE MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTED AYE.

Rushmoor Boulevard was the next project to be considered. Mr. Hoyt read several letters into the record. One letter stated that the property owners wanted the assessment divided evenly among the 23 owners which would equate to \$2,000 per assessment (\$46,000.00 divided by 23). Mr. Hoyt said the Council could assess per owner if they choose to. Some residents said they felt the petition was misrepresented in that persons with two lots were paying the same as persons with only one lot. Several residents present were opposed to the blacktopping. One resident said he would challenge any signature on the petition based on how the petition was represented. Mayor Anderson said it seems as though there is a yes majority. Mr. Hoyt said he feels a little uneasy counting the names on the petition as yes because some feel the petition was misrepresented. It was the consensus of the Council that it should be done on a per lot basis and not per owner basis.

MOTION NO. 4PH-08-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER ARENDS TO TABLE THE PROJECT AND IF THE PROPONENTS WANT TO COME IN WITH A NEW PETITION THAT IS LEGITIMATE IT CAN BE RECONSIDERED AT A LATER DATE. UPON ROLL CALL VOTE ARENDS, BURSHAM, GALLAWAY AND MILLER VOTED AYE. MOTION PASSED.

MOTION NO. 4PH-08-90 WAS MADE BY MEMBER MILLER AND SECONDED BY MEMBER BURSHAM TO ADJOURN THIS PUBLIC HEARING AT 10:03 P.M. MOTION PASSED WITH MEMBERS ARENDS, BURSHAM, GALLAWAY AND MILLER VOTING AYE.

Recorded and transcribed by:



Arlene A. Buchite, City Clerk/Treasurer