

COUNCIL PROCEEDINGS
Crosslake, Minnesota
PUBLIC HEARING - ROADS ASSESSMENT
May 22, 1986 - 6:30 P.M.

The City Council of Crosslake, Minnesota met in a Public Hearing on the proposed road assessment in the Community Center of Crosslake, on May 22, 1986. The following Council members were present: Mayor August Mezzenga; Councilmen Robert Allen, Oliver Courts and Orval Nelson. Absent was Councilman Oliver Yates. Also present were: Tom Fitzpatrick, City Attorney; Bruce Buxton and Gary D'Heilly from Widseth Smith Nolting and Associates; and Court Reporter Bob Engen.

Mayor Mezzenga opened the meeting with a brief address to the Citizens present stating that each and every one of them would be heard before the Public Hearing would be adjourned.

City Attorney Tom Fitzpatrick was introduced by Mayor Mezzenga. Mr. Fitzpatrick told the Citizens present that he was assisting the City by giving legal advice. He advised those present of their legal rights and the process which would be used to contest their road improvement assessments. Fitzpatrick asked that anyone wishing to address the issue of the road project to come forward, state their name and address and spell their last name for the Court Reporter and then state their concerns or comments. Fitzpatrick also said that anyone wishing to contest their assessment would have to do it in writing previous to tonight's Public Hearing or at the Public Hearing tonight. The contested assessment would then go before a Hearing Officer who will take information from both sides and will then make his recommendations to the City Council. After the final determination is made and notices mailed, Citizens will have 30 days to pay the assessments without interest. After the 30 days, the assessments will be added to their property taxes. If an appeal is to be filed it may be taken to District Court pursuant to Minnesota Statutes Section 429.081 by serving notice upon the Mayor or City Clerk of Crosslake within 30 days after adoption of the assessment and filing such notice with the District Court within ten (10) days after service upon the Mayor or Clerk. (See attached copy of NOTICE OF HEARING as was mailed to all property owners who are being assessed.)

Bruce Buxton from Widseth Smith Nolting and Associates showed on the overhead projector, the project description, method of assessment, corner lot credit, hardship credits and credits for swamps etc. Mr. Buxton also showed slides of typical construction methods. He stated that approximately 540 parcels of land are being assessed. Several people had contacted him before this Public Hearing. Mr. Guy Wannebo said that he had not received any notice at which point Buxton said he would look up the notices for Mr. Wannebo and see that he received copies.

Those persons present who wanted to address the Public Hearing with grievences or comments were then heard. Those who spoke and some of their comments are here listed.

James Winiecki stated that the road project would not benefit them as they have no access or egress, second that it would not increase the value of their property and third that 200 feet of the road frontage they are being assessed for belongs to the Corps of Engineers by condemnation for a Daggett Lake overflow.

Lona Andolshek stated that she is against the road project completely because she does not want to ruin the serenity of Crosslake. She also stated her property being assessed in not buildable, marketable, or serviceable as it is only 40 to 60 feet wide and 160 feet long on the road frontage.

James Gallaway stated that his property has a swamp so they should be assessed for 175 feet and not 338 feet as was being assessed.

Michael Swartz said he did not believe the roads needed repair.

Agnes Beavers said she felt the property owners at the end of the street who pay nothing but use the road all the time should be assessed.

Lloyd Johnson said he is being assessed for 694 feet for both sides of the road.

Chester Graham, attorney for Ken and Bobbi Wadell said the Wadells have 58 acres of basically woods and are being assessed for 1001 feet of roadway which he feels will not increase the value of their property to equal the assessment.

Leonard Olson said only two people live and drive on the road where he lives. He said only one person benefits from the road improvements and that person is not being assessed.

William Corrick, Attorney, said he has no objection to the road project. He said he felt it was long overdue and the method of assessment was fair.

M A. Carter said he had no gripes about the road project he was just here to back up his neighbors who have property abutting the roadway and felt all property owners in Crosslake should be assessed equally.

Ray Eagle said because of the shape of his lot he feels he is being over-assessed and wanted consideration for a hardship case. His property is oblong but would not be suitable for several buildable lots as the 700 feet plus assessment indicates.

Oliver Berglund said he was objecting because he feels everyone should be assessed equally since everyone uses the roads.

Guy Wannebo said he has one-fourth mile of property in the Goodrich O'Brian Lakes area and has had it surveyed so as to let part of it go back to tax forfeit land before he would pay the assessment on it.

Also making comments were Frank Peterson and Joe Car.

Mr. Fitzpatrick again stated that is anyone wanted to place a formal contestment they would have to do it tonight. Anyone who does not want to pay the interest on their assessment would have to pay the entire sum

of the assessment within 30 days after the Hearing Officer makes his determination and if the property owner wants to appeal the decision of the Hearing Officer they must file written notice with the City Clerk or Mayor and then with the District Court at the Courthouse in Brainerd.

Everyone who is being assessed will receive notice after the adjusted final assessment role is printed and it will also be published in the legal paper as to when the 30 days for payment without interest will be up.

MOTION NO. 5 PH-01-86 WAS MADE BY COUNCILMAN NELSON AND SECONDED BY COUNCILMAN ALLEN TO ADJOURN THIS PUBLIC HEARING AT 7:42 P.M. MOTION PASSED UNANIMOUSLY.

Recorded and transcribed by:



Arlene A. Buchite, City Clerk/Treasurer

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Crosslake, Minnesota will meet at 6:30 p.m. on May 22, 1986, at the Crosslake Community Center in the City of Crosslake to pass upon the proposed assessment against abutting property for road improvements including bituminous overlay, ditching, drainage and other necessary work on roads scheduled for improvement in the first year of the City's approved Five Year Plan as modified by City Council on April 14, 1986. The total amount of the proposed improvement is \$515,000.00, and the total proposed assessment is \$206,000.00. A copy of this plan and the proposed assessment is on file for public inspection in the City Clerk's Office.

Partial prepayment of the assessment has not been authorized, but the assessment may be prepaid in full by making the prepayment to the City Clerk. Prepayment in full must be made to the City Clerk within thirty (30) days of the City Council approving the assessment to avoid incurring interest costs. Interest at the rate of 8.75% per annum will accrue if the assessment is not prepaid in full within the thirty day time period. To date the City has not adopted a deferment ordinance or resolution. Written and oral objections will be considered at the meeting, but the Council may consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination, and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.

2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for questioning of the City's witnesses will be followed with the objector's witnesses.

3. The objector may be represented by counsel.

4. Minnesota rules of evidence will not be strictly applied; however, they may be considered and argued to the Council as to the weight of items of evidence or testimony presented to the Council.

5. The entire proceedings will be tape-recorded.

6. At the close of presentation of evidence, the objector may make a final presentation to the Council based on the evidence and the law. No new evidence may be presented at this point.

No appeal from the decision of the Council may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Clerk prior to the hearing or presented to the presiding officer at the hearing.

An appeal may be taken to District Court pursuant to Minnesota Statutes Section 429.081 by serving notice upon the Mayor or Clerk of the City of Crosslake within 30 days after adoption of the assessment and filing such notice with the District Court within ten (10) days after service upon the Mayor or Clerk.

Arlene A. Badette
City Clerk