

PUBLIC HEARING
CITY OF CROSSLAKE
MILINDA SHORES ROAD VACATION
MONDAY, JULY 9, 2007
6:00 P.M. – CITY HALL

Pursuant to proper notice and call, a public hearing was held on July 9, 2007 at 6:00 P.M. at City Hall to take public comments in regards to a petition received from John and Mary Dierbeck to vacate a road easement extending from Milinda Shores Road. The following Councilmembers were present: Mayor Jay Andolshek, Irene Schultz (who arrived at 6:05 P.M.), Dean Swanson and Rusty Taubert. Absent was Councilmember Steve Roe. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, Public Works Director Ted Strand, Park and Recreation Director Jon Henke and Clerk/Treasurer Darlene Roach. See sign in sheet attached as a permanent record of attendees.

Mayor Andolshek called the public hearing to order at 6:00 P.M.

Community Development Director Ken Anderson commented that a petition was received by the City Clerk dated June 1, 2007 and received June 8, 2007 from John and Mary Dierbeck requesting that a portion of a road easement extending from Milinda Shores Road be vacated. The easement is approximately 33 feet wide by 285 feet in length with the majority of the frontage abutting property owned by John and Mary Dierbeck. According to City Ordinance, the Park and Recreation Commission, Public Works Commission and Planning and Zoning Commission is to consider the petition and make a recommendation to the City Council prior to the hearing.

A draft copy of the minutes from the Public Works Commission Meeting of July 2, 2007, included a motion that the City Council not vacate the road easement. The Planning and Zoning Commission at a meeting held on July 7, 2007 approved a motion to deny the petition until such time as the Transportation Plan, recently approved by the Council, is completed.

Community Development Director Ken Anderson provided a half section map and color photographs showing the wetland area, which is in very close proximity to the easement being requested for vacation.

Park and Recreation Director Jon Henke provided a memo to the Council which stated that the Park and Recreation Commission has not had a chance to review the request, but will consider the request at a meeting scheduled for July 23, 2007.

Community Development Director Anderson stated that the Council has three options before them 1.) to approve a draft resolution which would approve the road easement vacation request; 2.) to deny the request; or 3.) to table the request until such time as the Transportation Plan is complete.

One letter was received from Jane Carlson of 37242 Milinda Shores Road who stated that she has no objection to the vacation provided that a gate is not erected at the end of the tarred road.

Mr. Dierbeck addressed the Council and stated that when they proposed an addition to their home at 37248 Milinda Shores Road, the property was surveyed and it was determined that the easement does encroach 10' into Hidden Lake. Mr. Dierbeck stated that he does understand the Commission Members' tendency to reject the request, but because of the physical nature of the site, its use today would be very different than its use would have been in the 1960's. Mr. Dierbeck stated that the easement leads nowhere. The property beyond the road easement is owned by June Wallace and she has never indicated a wish to get rid of the property. Mr. Dierbeck stated that the encroachment into the wetland/lake would be 44' in width by 200' in length if the road extended through. Mr. Dierbeck stated that he would like the DNR to give an opinion on whether a road could even be constructed in the wetland area. Because the easement ends at the Wallace property, Mr. Dierbeck stated that eminent domain proceedings would need to be undertaken by the City if Mrs. Wallace wouldn't voluntarily give up property. Since this area encompasses a portion of Hidden Lake, Mr. Dierbeck stated that it is full of cattails and turtles. When the Dierbeck's received approval to build the addition onto their home, he stated that they were asked not to improve the road to blacktop in order to avoid runoff into Hidden Lake and to maintain an area where the turtles could lay their eggs. Mr. Dierbeck also stated that using the easement for road purposes would have a significant cost ramification for the City for the benefit of only five homes in the area.

Mayor Andolshek asked if there were any comments from individuals in the audience and there were no public comments expressed.

Mayor Andolshek asked what the square footage of the three parcels owned by the Dierbeck's was and Ken Anderson stated that according to the survey the Dierbeck's own 34,950 square feet of property with 180 feet of frontage if the parcels were all consolidated. If the Dierbeck's wished to split their property, they could do so, however a variance would be required in order to construct another building.

Councilmember Taubert commented that there has been some discussion among the Council and Public Works regarding the stability of the bridge based on the Bridge Inspection Report and the effect this would have on the seven properties on the west side of the bridge.

Mayor Andolshek asked what the timeframe was for completion of the Transportation Plan and it was noted that the goal of the engineer was mid summer of 2008. Mayor Andolshek stated that the Council has a 60-day timeline for making a decision and the deadline is October 4th. Community Development Director Ken Anderson noted that Minnesota Statute allows the City to extend the deadline provided the applicant is in agreement. Anderson stated that he has prepared an Extension Agreement which would allow for an extension of fourteen (14) months until the Transportation Plan is completed. Councilmember Swanson stated that the extension could be considered later as long as it

is completed prior to October 4th. Councilmember Schultz wondered if the road extension was even feasible given the encroachment into Hidden Lake. Anderson stated that the road could be 22 feet in width and could be as close as 9' to the Dierbeck's garage if a 33' foot right-of-way was utilized. The question then was whether the City would require an additional 33' for a 66' road right-of-way. City Administrator Swenson stated that he didn't feel a 66' road right-of-way would be necessary with the small number of users of the roadway and there are roads within the City that have been constructed at a width of 14'. Councilmember Swanson commented that he feels the Council may be premature in any decision and would like to see the results of the Transportation Plan before making a decision. Councilmember Taubert asked if the Transportation Plan would show the difference in cost between construction of a new bridge and the cost of a road. Public Works Director Ted Strand commented that even if this easement was not utilized for a road, it could be used as a trail. Mayor Andolshek reminded the Council that a decision needed to be made no later than the September meeting. There was some discussion regarding the extension agreement, which Ken Anderson read. Mr. Dierbeck was asked if he would be agreeable to an extension and he stated that he would need to discuss this option with Mary Dierbeck. The Council set September 5th as a deadline for the Dierbeck's to reply to Ken Anderson regarding whether they would be agreeable to an extension.

MOTION PH7-01-07 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY IRENE SCHULTZ TO CONTINUE THIS PUBLIC HEARING TO SEPTEMBER 10TH AT 6:00 P.M. MOTION CARRIED WITH ALL AYES.

MOTION PH7-02-07 WAS MADE BY DEAN SWANSON AND SECONDED BY IRENE SCHULTZ TO CLOSE THE HEARING AT 6:45 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,



Darlene J. Roach
Clerk/Treasurer

