

CROSS AVENUE FINAL ASSESSMENT HEARING
CITY OF CROSSLAKE
NOVEMBER 4, 1999
5:30 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 Cross Avenue located west of Lake Street within the Plat of Bower's Point. 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 no property owners in attendance. (Sign in sheet attached as a permanent part of the minutes.)

Deputy Mayor Miller called the public hearing to order at 5:32 P.M.

City Engineer Dave Reese presented the final assessment numbers. 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 \$18,000 or an estimate of \$2250 per equivalent lot. The actual project cost came in at \$19,077.07. The City will pay 50% of the cost of the improvement project or \$9,538.54. The assessable portion is 50% of \$19,077.07 or \$1589.76 per equivalent lot. The total number of equivalent lot units is calculated at six, which is up from four estimated during the feasibility study.

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.

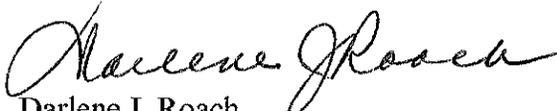
Deputy Mayor Miller called for questions from the Council. There being none, MOTION PH11-01-99 WAS MADE BY DEAN SWANSON AND SECONDED BY RICHARD UPTON TO APPROVE RESOLUTION 99-76 ADOPTING THE ASSESSMENT ROLL FOR CROSS AVENUE WITH A TEN YEAR PAYMENT SCHEDULE. MOTION CARRIED WITH ALL AYES.

City Administrator Swenson asked for direction from the Council and City Attorney as to how to handle a property owner contesting an assessment. City Attorney Qualley stated that if the meeting was becoming lengthy due to contesting parties objections, the Council has the option to adjourn the meeting and reconvene at a later date. City Administrator Swenson asked if it was possible to adopt the assessment roll minus property and City Attorney Qualley stated it was, however, the assessment roll could not be presented to the County until after the last hearing was complete. Public Hearing Notices would need to be sent to the contesting property owner(s) of the hearing. If the property owner(s) do not attend the meeting, their objections are waived. There was

some discussion regarding changing the "days before first year" on the Record Of Assessment and City Attorney Qualley stated that the days would need to be lowered and a new Record of Assessment sent to the property owners. Deputy Mayor Miller stated that the contesting property owner still has the right to appeal an assessment in District Court.

MOTION PH11-02-99 WAS MADE BY DEAN SWANSON AND SECONDED BY RICHARD UPTON TO ADJOURN THIS PUBLIC HEARING AT 5:50 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by:


Darlene J. Roach
Deputy Clerk

Cross Avenue Final Assessment Hearing November 4, 1999

RESOLUTION 99-76
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 Cross Avenue located West of Lake Street within the Plat of Bower's Point by constructing street and drainage improvements.

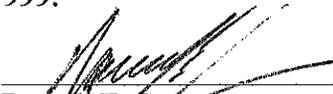
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CROSSLAKE, MINNESOTA:

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