

JASON LANE/STALEY LANE FINAL ASSESSMENT HEARING
CITY OF CROSSLAKE
NOVEMBER 16, 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 Jason Lane and Staley Lane, located South of Silver Peak Road within the Plats of Staley Shores and First Addition to Staley Shores. Present at the hearing was Mayor Darrell Swanson, Councilmembers Charles Miller, Irene Schultz, Dean Swanson and Richard Upton. Absent was City Administrator Thomas Swenson. Also present was City Attorney Steve Qualley, City Engineer Dave Reese, Deputy Clerk Darlene Roach and Public Works Foreman Pat Hoag. (Sign in sheet attached as a permanent part of the minutes.)

Mayor Swanson called the public hearing to order at 5:30 P.M. and stated that the purpose of the meeting was to hear any comments or objections to the proposed assessment for the improvement of Jason Lane and Staley Lane. Mayor Swanson then read the Affidavit of Mailing and Publication signed by City Administrator Swenson. A copy of the published notice, copies of postmarked envelopes and copies of the records of assessment was included with the Affidavit. Mayor Swanson read a letter dated November 9, 1999 from June Wallace, property owner on Staley Lane.

City Engineer Dave Reese presented the project summary containing estimated project cost and actual project cost. The feasibility study completed by Widseth Smith Nolting estimated the cost of the project at \$60,000 or an estimate of \$1,667 per equivalent lot. The actual project cost came in at \$49,364.85. The City will pay 50% of the cost of the improvement project or \$24,682.43. The assessable portion is 50% of \$49,364.85 or \$1,410.42 per equivalent lot. The total number of equivalent lot units is calculated at 17.5, which is down .5 from 18 estimated during the feasibility study. The major difference in cost between the feasibility study and the actual cost is due to leaving some of the road grades and profiles which resulted in less Class 5 being used than previously estimated.

MOTION PH05-11-01-99 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO APPROVE RESOLUTION 99-90 ADOPTING THE ASSESSMENT ROLL FOR JASON LANE/STALEY LANE WITH A TEN YEAR PAYMENT SCHEDULE. The hearing was opened to comments from the public. Bob Laven asked about work remaining on the shoulders and why the assessment is done now rather than waiting until the project is complete. City Engineer Reese stated that the City is aware of the work remaining on all thirteen roads and it is not feasible to expect the contractor to complete all of the work this fall. Mr. Laven stated it was a nice fall and yet the contractor has been gone a long time. Mayor Swanson stated that it was a nice fall, but this was not considered when the project began, however, the punch list states what work remains and retainage will be held by the City. City Engineer Reese stated it is

risky to plant seed this time of the year, because if it germinates and sprouts, it would very likely die. Mayor Swanson stated that payment of the assessment can be made within 30 days with no interest. Councilmember Upton assured Mr. Laven that the project will be completed to the City's satisfaction. Richard Armstrong asked why he was being assessed since he is on Milinda Shores Road. City Engineer Reese stated that under the Ordinance adopted by the City, and after review of the property by himself and the City Administrator, it was determined that a half of an assessment for this property would be applicable. Mr. Armstrong questioned why the Hope property was not assessed. Discussion ensued regarding why the Armstrong property was assessed and the Hope property was not assessed. It was determined that if the Hope property was to be assessed, another hearing would be required since the assessment per equivalent lots would need to be recalculated. Public Works Foreman Pat Hoag stated that, in looking at the aerial map, the Hope property would not be a buildable lot due to the wetland. Mr. Armstrong stated that he was not interested in having the Hope property assessed, but wondered why he was assessed. Councilmember Swanson stated that it improves the value of his property. City Attorney Qualley stated that the City needs to look at what is the highest and best use of the land and what the potential of the land is. Mr. Armstrong asked if he needed to send another letter to the City Council and City Attorney Qualley stated that he could appeal to District Court if he so choose. It was noted that Mr. Armstrong's assessment was reduced from one equivalent lot unit to ½ equivalent lot unit based on his previous letter. Mr. Laven asked if the City was credited for the extra culverts that were delivered and not used and City Engineer Reese stated that the contractor was only paid for materials used. Being no further comments, MOTION CARRIED WITH ALL AYES.

MOTION PH05-11-02-99 WAS MADE BY DEAN SWANSON AND SECONDED BY IRENE SCHULTZ TO ADJOURN THIS FINAL ASSESSMENT HEARING FOR JASON LANE/STALEY LANE AT 6:04 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by:



Darlene J. Roach, Deputy Clerk

RESOLUTION 99-90
RESOLUTION ADOPTING ASSESSMENT

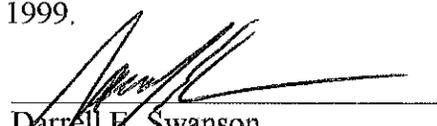
WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to proposed assessment for the improvement of Jason Lane and Staley Lane, located South of Silver Peak Road within the Plats of Staley Shores and First Addition to Staley Shores 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 31st 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 16th day of November, 1999.


Thomas N. Swenson
City Administrator


Darrell E. Swanson
Mayor