

KIMBERLY ROAD FINAL ASSESSMENT HEARING
CITY OF CROSSLAKE
NOVEMBER 16, 1999
6:00 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 Kimberly Road from CSAH No. 3 to the West boundary of Lot 16, Block 1 and Lot 16, Block 2 of Kimberly Acres. 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 6:05 P.M. and stated that the purpose of the hearing was to hear and pass upon all objections to the proposed assessment for the improvement to Kimberly Road. Mayor Swanson 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.

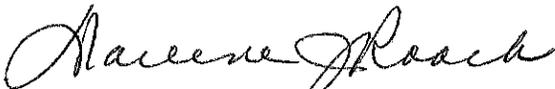
City Engineer Dave Reese presented the project summary for the road improvement. He stated the project has been completed, the certification roll has been presented to the City Council and notices were sent to all property owners. The feasibility study completed by Widseth Smith Nolting estimated the cost of the project at \$49,000 or an estimate of \$1,885 per equivalent lot. The actual project cost is \$50,520.65 with \$2,557.50 being the cost of the commercial upgrade portion of the improvement. The City will pay 50% of the cost of the improvement project or \$25,214.10. Due to a rezoning of four properties from commercial to residential, the City will pay the commercial upgrade cost for these lots. Three properties will be assessed on the commercial upgrade portion of the road. The number of equivalent lot units for Lakes Area Rental was decreased to two due to the location of one of the buildings on the property. The total number of equivalent lot units is calculated at twelve, which is down one from the number estimated during the feasibility study. The major difference in cost between the feasibility study and the actual cost is due to additional quantities of bituminous used. Since this road was built to commercial standards, 7" of Class 5 was used on the base with 2" of blacktop added.

MOTION PH06-11-01-99 WAS MADE BY CHUCK MILLER AND SECONDED BY RICHARD UPTON TO APPROVE RESOLUTION 99-91 ADOPTING THE ASSESSMENT ROLL FOR KIMBERLY ROAD WITH A TEN YEAR PAYMENT SCHEDULE. The hearing was opened for comments from the public. Michael Amsden stated that \$4000 was too much to be assessed for this road since the project is no where near complete. He stated that this was the first road Tri City Paving did and water has been standing in the ditch since the day they began. He wanted to know how the

drainage problem was going to be corrected. He stated trenches were dug and filled in. City Engineer Reese stated that a rock sump was placed in the ditches to get the water to go down. He stated that he didn't know if the topsoil has impervious material which results in the water to remain in the ditch. He stated that the contractor could look at installing another sump or eliminating the ditch. He also felt it would help if turf was planted. Public Works Foreman Pat Hoag stated that he would like to see a hole dug 6' down to see what material is under the sump. Councilmember Upton stated that the City is holding retainage until problems are corrected. City Engineer Reese stated that the contractor did construct the sump according to the plan. Michael Amsden stated, for the record, that he would rather see the water flowing onto his property than remaining in the ditch. He also stated that four months has passed without anyone fixing the problem. Councilmember Swanson asked if there was any water buildup prior to the road project and Michael Amsden stated there was no water buildup before. Being no further comments from the public, MOTION CARRIED.

MOTION PH06-11-02-99 WAS MADE BY RICHARD UPTON AND SECONDED BY DEAN SWANSON TO ADJOURN THIS FINAL ASSESSMENT HEARING FOR KIMBERLY ROAD AT 6:25 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by:


Darlene J. Roach, Deputy Clerk

RESOLUTION 99-91
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 Kimberly Road from CSAH No. 3 to the West boundary of Lot 16, Block 1 and Lot 16, Block 2 of Kimberly Acres by constructing street and drainage improvements.

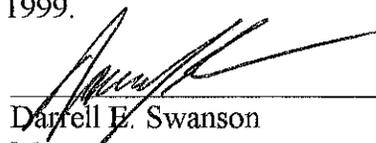
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CROSSLAKE, MINNESOTA:

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