

MARODA DRIVE FINAL ASSESSMENT HEARING  
CITY OF CROSSLAKE  
NOVEMBER 27, 2006  
7:15 P.M. – CITY HALL

Pursuant to proper notice duly given as required by law, the City Council met in the Chambers of City Hall for the final hearing on the improvement to Maroda Drive. Present at the hearing was Mayor Jay Andolshek and Councilmembers Dick Phillips, Terry Curtis and Dean Swanson. Absent was Councilmember Dean Eggena. Also present was City Administrator Thomas Swenson, City Engineer Dave Reese, City Attorney Paul Sandelin, Public Works Director Ted Strand, Community Development Director Ken Anderson, General Manager Paul Hoge and Deputy Clerk Charlene Nelson. There were approximately seven individuals in the audience in addition to Staff. (Sign in sheet attached as a permanent part of the minutes.)

Mayor Andolshek called the public hearing to order at 7:15 P.M. and stated that the purpose of the hearing was to take questions and public comments regarding the assessment proposed for Maroda Drive.

City Administrator Tom Swenson read the Affidavit of Mailing confirming that the notice of final assessment hearing was deposited in the U.S. Post Office on November 16, 2006 enclosed in a prepaid envelope along with the record of assessment showing the proposed cost to each benefiting property owner along with a Project Summary. Property owner names and addresses were obtained from the Crow Wing County Auditor's Office most recent database provided to the City. On November 9, 2006 the Notice of Final Assessment Hearing was published in the City's official newspaper, the Lake Country Echo. There was no correspondence received regarding this project.

City Engineer Dave Reese presented the project summary for the road improvement project. Reese stated that the project came in lower than what was estimated during the feasibility study. Widseth Smith Nolting estimated the cost of the project at \$75,600 with 20 equivalent lots for an estimated assessment of \$1,890 per lot. The actual cost came in at \$72,884.00. The City's share of the cost of the road is \$36,442.00 and the 25 equivalent lots will each receive an assessment of \$1,457.68.

The hearing was open to the Council and public for questions. Dick Phillips asked how the number of assessments went from 20 to 25. Dave Reese explained that it was difficult to determine the boundaries of the vacant lots at the time the feasibility study was done. At the time of the final assessment it was determined that each outlot should receive two assessments instead of one. Dick Phillips asked if the outlots could only be divided into two lots each. Tom Swenson replied that the outlots could be subdivided into more lots, but that some of the accesses would come off of West Shore Drive, not Maroda. Dick Phillips asked why the City does not base assessments on footage. Tom Swenson replied that the City does have the option of assessing by footage or by number of lots. Dick Phillips stated that the assessments should be based on footage, period and that the current ordinance is badly written. Tom Bzoskie of 35340 Maroda Drive addressed the Council and stated that he is in favor of the assessments being based on footage and added that the outlots should pay ½ of the road improvement bill. Jay

Andolshek explained that at the Improvement Hearing, the Council discussed the matter and decided if the City charged the owners of the outlots based on footage, the owners may be forced to develop the outlot to recoup the costs instead of leaving it wooded. The property owners in attendance stated that they would not want the outlot developed. Tom Bzoskie argued that the owners of the outlots will sell the property and the land will be developed and they should be assessed based on footage. Terry Curtis asked how assessments on undeveloped land have been handled in the past. Tom Swenson replied that he and the City Engineer try to determine which road the property owners would use when the road is developed. Terry Curtis stated that that would be one way to determine the assessment, but questioned if it should be done differently. Dave Reese added that it is his and Tom Swenson's best estimate. Terry Curtis suggested that the people are not ok with the formula. Dick Phillips added that the system should be easier. Dean Swanson stated that the assessments could be figured differently, but that these assessments are fair. Dale Dickie of 35386 Maroda Drive addressed the Council and stated that he is part owner of one of the outlots and he originally did not think that undeveloped land should be assessed at all, because there is no one there to benefit from the road. Mr. Dickie added that now that he has heard the discussion, he thinks two assessments are fair. Dick Phillips argued that there has to be a better way.

There being no further comments or questions, MOTION PH4-11-01-06 WAS MADE BY DEAN SWANSON AND SECONDED BY TERRY CURTIS TO APPROVE RESOLUTION NO. 06-55 ADOPTING ASSESSMENT FOR MARODA DRIVE SINCE IT IS THE BELIEF OF THE COUNCIL THAT THE IMPROVEMENT WILL INCREASE THE MARKET VALUE OF THE PROPERTY AS A RESULT OF THE ROAD PROJECT. MOTION CARRIED 3-1 WITH PHILLIPS OPPOSED.

MOTION PH4-11-02-06 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN SWANSON TO ADJOURN THIS FINAL ASSESSMENT HEARING AT 7:42 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,



Charlene Nelson  
Deputy Clerk

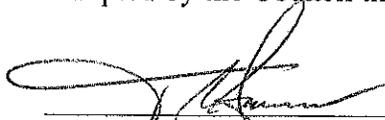
RESOLUTION 06-55  
RESOLUTION ADOPTING ASSESSMENT

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 Maroda Drive from the intersection of West Shore Drive (approximately 1950 feet) to the intersection of West Shore Drive.

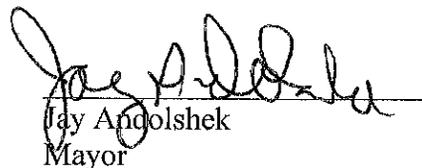
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CROSSLAKE, MINNESOTA:

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 2007, and shall bear interest at the rate of 5.5% 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, 2006. 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 31<sup>st</sup> of the year in which such payment is made. Such payment must be made before November 15<sup>th</sup> or interest will be charged through December 31<sup>st</sup> 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 27th day of November 2006.



Thomas N. Swenson  
City Administrator



Jay Andolshek  
Mayor

