

SUNSET DRIVE FINAL ASSESSMENT HEARING  
CITY OF CROSSLAKE  
NOVEMBER 27, 2006  
6:45 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 Sunset 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 six 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 6:45 P.M. and stated that the purpose of the hearing was to take questions and public comments regarding the assessment proposed for Sunset 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 slightly higher than what was estimated during the feasibility study. Widseth Smith Nolting estimated the cost of the project at \$55,400 with 10 equivalent lots for an estimated assessment of \$2,770 per lot. The actual cost came in at \$57,247.00. The City's share of the cost of the road is \$28,623.50 and the 11.5 equivalent lots will each receive an assessment of \$2,489.00 per equivalent lot.

The hearing was open to the Council and public for questions. Dick Phillips asked the Engineer to explain the ½ lot assessment. Dave Reese explained that three lots received ½ of an assessment because they are not on Sunset Drive, but benefit from the improvement to access their property off of Sunset Drive. Dick Phillips replied that the assessment policy is not good and he does not agree with it.

Mary Zook of 12388 Sunset Drive addressed that Council and stated that she just bought this property in July. She does not like the bike path because too many driveways come off of it and she believes someone will be injured. Ms. Zook asked what the drainage improvements consisted of and asked why she was being billed after the fact. Ms. Zook noted that most cities inform the residents of proposed improvements ahead of time. Tom Swenson explained that the closing company should have the assessment payment in escrow from the seller for the road improvement and will pay the assessment amount

after this hearing. Ms. Zook questioned how many people live on the lots that were assessed. Tom Swenson replied that he calculates the assessments on the number of buildable lots, not on how many people live there. Ms. Zook asked when the work would be completed. Dave Reese explained that the project is complete except for some turf establishment to take place in the spring. Ms. Zook asked why she is getting the bill now, after the work is complete. Tom Swenson explained that a public hearing was held before the project began and this final assessment hearing is taking place because the final costs have come in and the Council needs to approve the assessment amounts before the assessments can be collected. Attorney Sandelin stated that the seller of the property was required to disclose all information regarding the assessment to Ms. Zook before closing. Jay Andolshek added that this hearing is an official way of letting the property owners know the final cost of the project.

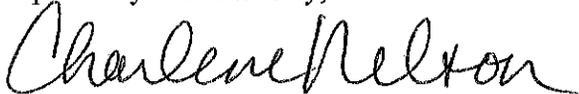
Dick Phillips asked if it was common policy to assess ½ lots. Tom Swenson replied that it has been common practice in the ten years he has been with the City. Dick Phillips stated that it is a bad policy. Terry Curtis concurred with Phillips and added that the assessment policy should be changed.

Mary Zook asked if there were any objections at the public hearing that was held before the project began. Attorney Sandelin stated that his notes reflect no opposition. Tom Swenson added that the minutes state there was no public comment made during the public hearing. Dick Phillips asked if all the property owners who are receiving an assessment were notified of the public hearing. Tom Swenson replied that they were. Mary Zook stated that some of her neighbors said that they were not assessed at all. Tom Swenson replied that her neighbors to the north are located on West Shore Drive and that no assessments were given for the improvement to the existing road of West Shore Drive or the bike path.

There being no further comments or questions, MOTION PH3-11-01-06 WAS MADE BY JAY ANDOLSHEK AND SECONDED BY TERRY CURTIS TO APPROVE RESOLUTION NO. 06-54 ADOPTING ASSESSMENT FOR SUNSET 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 PH3-11-02-06 WAS MADE BY DEAN SWANSON AND SECONDED BY TERRY CURTIS TO ADJOURN THIS FINAL ASSESSMENT HEARING AT 7:13 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,



Charlene Nelson  
Deputy Clerk

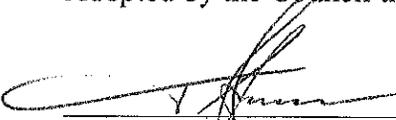
RESOLUTION 06-54  
RESOLUTION ADOPTING ASSESSMENT

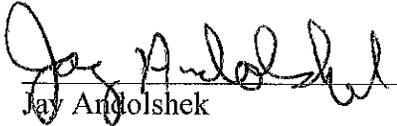
WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to proposed assessment for the improvement of Sunset Drive from the intersection of West Shore Drive, west, (approximately 1100 feet) to the end of the road.

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.

  
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Thomas N. Swenson  
City Administrator

  
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Jay Andolshek  
Mayor

