

KIMBERLY ROAD PUBLIC HEARING
CITY OF CROSSLAKE
DECEMBER 2, 1999
10:15 A.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 review the feasibility study prepared by Widseth Smith Nolting for improvements to Kimberly Road adjacent to Lots 1-15 in Blocks One and Two of Kimberly Acres. Present at the hearing was Mayor Darrell Swanson, Councilmembers Charles Miller, Irene Schultz, Dean Swanson and Richard Upton. Also present was City Administrator Thomas Swenson, 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 10:15 A.M. and stated that the purpose of the hearing was to review the feasibility report for Kimberly Road. City Administrator Swenson read the Affidavit's of Mailing and Publication (one dated November 20th and the second dated November 22nd) which verified that the notice was published and mailed and indicated the time and date of the hearing. Also included with the affidavit was a copy of the postage paid, dated envelope mailed to benefiting property owners on the road along with estimated costs included on Page 10 of the Feasibility Report.

City Engineer Dave Reese presented the feasibility study completed by Widseth Smith Nolting as required under Minnesota Statute 429. A copy of the report is available at City Hall. He stated that the City has developed road standards that will be used to construct the road. He stated that Kimberly Road currently abuts 30 lots/parcels and provides driveway access for 22 existing residences or businesses. Currently Kimberly Road is a 20 foot wide bituminous surfaced road for the first 900 feet west of CSAH 3, then it changes to a 21 to 22 foot aggregate surfaced road. Roadside ditches are not wide enough and deep enough to handle runoff from storm events in some places. Based on right-of-way and total number of lots on Kimberly Road, it would be constructed as a rural roadway section with 20 foot wide pavement, 2 inch thick bituminous on a 4 inch thick aggregate base and 2 foot wide aggregate shoulders. Some widening of the existing roadway will be necessary. This section includes a minimum one-foot deep ditch in cut areas and ten feet wide clear zones outside the shoulders. Some tree removal and ditching will be required. A 40' radius with 2' aggregate shoulder cul-de-sac will need to be installed at the west end of Kimberly Road. Due to the loose sand in the cul-de-sac area, some additional gravel base or geo-fabric may be needed to stabilize the subsoil. Actual costs and quantities will be measured during construction and the contractor will be paid for actual usage. The report was reviewed by the Public Works Commission and forwarded to the City Council for a hearing. Soil borings have not been done on the road to determine base thickness and the road will require ditch construction. The estimated construction cost is \$73,650 plus \$7,365 (10% additional for contingencies) plus \$20,250 for engineering, legal and administrative expenses for a total estimated project cost of \$101,250. The City will use the equivalent lot basis for assessing the project with the City

paying 50% of the cost. The estimated number of equivalent lots is 30 for an estimated cost of \$1,687 per lot. Financing terms will be decided at the final assessment hearing, however, the City has used a financing period of ten years on previous assessment projects. Existing paved driveways, which extend into the right-of-way, will be matched with bituminous. A one-to-two foot kickout or apron will be extended from the roadway for gravel driveways.

A letter from Carol and Raymond Dionne was read which expressed their disagreement with the proposed improvement. A letter dated November 22, 1999 from Mrs. Constance Vilella was read which expressed her opposition to the project. A letter dated November 1, 1999 from Erik Berger was read which expressed his opposition to the project. A fax received from Elizabeth and Neal Nordling expressed their opposition to the project.

It was noted that this project was a petitioned project and not initiated by the City.

The hearing was opened for questions from the Council and audience.

Councilmember Upton inquired whether there was other property at the West end of the road that possibly benefited from the improvement. City Administrator Swenson stated that last year when notices were sent, it was determined that a big ravine on the property prevented access from the road. Councilmember Upton asked if anyone was aware of any easements to other properties. No one was aware of any. Greg Vilella, resident at 13038 Kimberly Road addressed the Council and expressed his opposition to the project. He stated that his being assessed for 3 equivalent lots would be a hardship. He stated that he was also speaking for other property owners along the road and was aware of 15 lot owners in opposition. He was informed that only signed letters would be accepted by the Council and that verbal opposition by someone other than the property owner themselves would not be accepted. Dwight Branville, resident at 13434 Kimberly Road, addressed the Council and stated that he was very much in favor of the project. He stated that his residence is at the beginning of the road and people drive 60 miles an hour to get to the end and there is nothing but dust. Windows cannot be open on the South side of the property due to all the dust. He stated that he was all for the blacktop. Camila Vilella, who resides at 13363 Kimberly Road, was opposed to the project. She stated that dust may be a problem, but there are alternatives. She also was not satisfied with the ditching done on the previously paved portion of the road. Mayor Swanson stated that at a prior meeting, the ditching problems were discussed and addressed. She stated that there was a lot of undeveloped property along the road and contractors with heavy equipment would be using the road and she was concerned with the impact this would have on the road. Councilmember Upton asked what the experience was in other parts of the City where construction trucks are utilizing the roads. City Engineer Reese stated that most roads have garbage trucks and school buses utilizing the road which have the highest number of tons per axle without any problems. He stated that the road is designed for these types of situations. City Engineer Dave Reese stated that he and Pat Hoag have checked the problem with water standing in the ditches and determined that it is a result of the topsoil being heavier than the previous sandy loam. Mayor Swanson stated that last year the City Council decided not to proceed with the improvement process and then in 1999 a

second petition was received. He stated that the Council now has to make a decision as to what to do. A decision will be made at the Regular Council Meeting scheduled for December 13, 1999. MOTION PH3-12-01-99 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO CLOSE THE PUBLIC HEARING TO REVIEW THE FEASIBILITY STUDY FOR IMPROVEMENT TO KIMBERLY ROAD AT 10:45 A.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by:



Darlene J. Roach
Deputy Clerk

RESOLUTION 99-84

RESOLUTION RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT

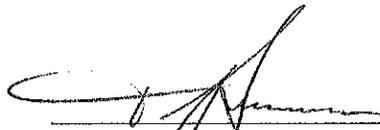
WHEREAS, pursuant to Resolution of the Council adopted August 23, 1999 a report has been prepared by Widseth, Smith and Nolting with reference to the improvement of Kimberly Road, Block One, Lots 1-15 and Block Two, Lots 1-15, within Kimberly Acres Plat by constructing road and drainage improvements, and this report was received by the Council on November 8, 1999, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

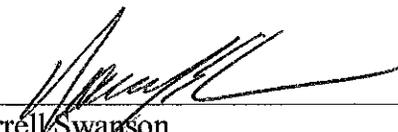
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CROSSLAKE, MINNESOTA:

1. The Council will consider the improvement of such street in accordance with the report and the assessment of abutting and/or benefiting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$101,250.
2. A Public Hearing shall be held on such proposed improvement on the 2nd day of December, 1999 in the Council Chambers in City Hall at 10:15 a.m. and the Administrator shall give mailed and published notice of such hearing and improvement as required by law.

Adopted by the Council this 8th day of November, 1999.



Thomas N. Swenson
City Administrator



Darrell Swanson
Mayor