

EDGEWATER LANE FINAL ASSESSMENT HEARING  
CITY OF CROSSLAKE  
NOVEMBER 16, 2004  
6:00 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 assessment hearing on the improvement to Edgewater Lane. Present at the hearing was Mayor Darrell Swanson and Councilmembers Bettie Miller, Dick Phillips and Irene Schultz. 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 and Clerk/Treasurer Darlene Roach. (Sign in sheet attached as a permanent part of the minutes.)


Mayor Swanson called the public hearing to order at 6:00 P.M. and stated that the purpose of the hearing was to take questions and public comments regarding the assessment proposed for Edgewater Lane. 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 October 30, 2004 enclosed in a prepaid envelope along with the record of assessment showing the proposed cost to each benefiting property owner along with a copy of the Project Summary. Property owner names and addresses were obtained from the Crow Wing County Auditor's Office most recent database provided to the City. The Notice of Final Assessment Hearing was published in the City's official newspaper, the Lake Country Echo on October 28, 2004. On November 5<sup>th</sup>, the notice addressed to Fred Richter was returned due to a wrong address and a copy of what was sent was resent to the correct address. Another envelope was returned undeliverable to Luella Olson and the same envelope containing the project information was re-sent to her son-in-law. A fax was received from Fred Richter, which was read into the record by City Administrator Swenson. Mr. Richter is of the opinion that the improvement does not benefit his property since it was restored as a part of the Sewer Project. He stated that he will not pay any of the \$2,089 being assessed to him.

City Engineer Dave Reese presented the project summary for the road improvement project. He stated that the project came in higher than what was estimated during the feasibility study since bids came in higher than expected. In the design process there were features added that increased the overall cost of the project. The total cost for the project was \$33,429.23. Since the road was not previously a City maintained road, the cost is 100% assessable. City Administrator Swenson stated that there was some additional work done in conjunction with this project to correct drainage. There was also some work done on a retaining wall and blacktopping by a private party to assist with the drainage problem along the road with the cost of \$1,242.02 reimbursed to the City by the property owner. Two of the eight lots are being assessed to the City as a result of an agreement made by Councilman Eggena during the improvement hearing and two of the lots are receiving ½ of an assessment. Five lots will receive a full assessment. The cost for a full assessment is \$4,178.65. It was noted that this was a City initiated project. There was some discussion regarding the road right-of-way and City Attorney Paul Sandelin stated that the City recently received an easement from the original property

owner for the right-of-way since the road had never been taken over or deeded to the public during the platting process. City Engineer Dave Reese stated that the section of the road that was paved prior to the sewer lines going in was improved and upgraded at City expense as a part of the sewer project. Tony Ekstein addressed the Council and stated that the road as it was had a good base with no holes and he didn't see where the City had the authority to pave without a petition of the property owners. Mr. Ekstein maintained that the City Council did the process wrong and that the property owners should have been made aware of the project. City Attorney Paul Sandelin stated that the City did the project correctly. City's can act on petitions or can initiate projects on their own. Regarding the ownership of the road, Sandelin stated that the purpose of this meeting is to adopt the assessment as it pertains to the improvement. Fred Richter, owner of Lot 1, addressed the Council and asked why he was being assessed for ½ of an assessment. City Administrator Swenson stated that 5' of the property in front of Mr. Richter's property was not improved so he is a benefiting property owner. Mr. Richter stated that this is the first he has heard that it is a City initiated project. Mayor Swanson commented that some property owners are of the opinion that the City acted improperly, but the City Attorney is stating that the project was handled legally and proper. Would the City have initiated the improvement had the sewer project not gone it, it is unknown, but this was a good time to improve the road. Mr. Richter stated that he and Jeff Wheeler objected to the improvement initially. He stated that the property owners pay to have it plowed and don't understand why the process was done this way. Mr. Richter stated that he sees no direct benefit as a result of the improvement and doesn't understand the logic behind it. Councilmember Phillips stated that he has viewed the improvement along this road twice and feels that the property owners should have paid 100% of the cost of the improvement. He stated that the City picking up two of the assessments may have put the cart before the horse resulting in property owners being treated differently here than in other situations. Charley Schwarz, Mr. Richter's father-in-law, addressed the Council and stated that he does not see any benefit in the improvement either since this road was tarred previously with no drainage problems in the area of his property. City Administrator Swenson stated that the property owners will see a benefit since the City will now plow, seal coat and do on-going maintenance of the road. Mr. Ekstein again addressed the Council and stated that no one has ever stopped and talked to him about this project. He stated that he has never heard of the State allowing a City to take over a road. Mr. Ekstein then asked about the sewer connection charges. He stated that he has never received any information from the City on the sewer either. Staff will send all of the correspondence sent previously to the property owners to Mr. Ekstein. There being no further questions, MOTION PH1-11-01-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY BETTIE MILLER TO APPROVE RESOLUTION NO. 04-46 ADOPTING ASSESSMENT FOR EDGEWATER LANE 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 WITH COUNCILMEMBER PHILLIPS VOTING NAY.

MOTION PH1-11-02-04 WAS MADE BY IRENE SCHULTZ AND SECONDED BY BETTIE MILLER TO ADJOURN THIS FINAL ASSESSMENT HEARING AT 6:42 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,

  
Darlene J. Roach  
Clerk/Treasurer

Shared/Edgewater Lane Final Assessment Hearing – November 16, 2004

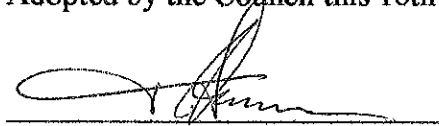
RESOLUTION 04-46  
RESOLUTION ADOPTING ASSESSMENT


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 Edgewater Lane within Lindquist Addition and adjacent to Block One, Lots 1 through 8.

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 2005, and shall bear interest at the rate of 6.25% 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, 2004. 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 16th day of November 2004.

  
Thomas N. Swenson  
City Administrator

  
Darrell E. Swanson  
Mayor

PUBLIC HEARING  
T HEARING FOR EDGEV  
NOVEMBER 16, 2004  
6:00 P.M. – CITY HALL  
SIGN-IN SHEET

[illegible]