

HAPPY COVE/HAPPY TRAIL ROAD FINAL ASSESSMENT HEARING  
CITY OF CROSSLAKE  
NOVEMBER 19, 2002  
6:30 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 Happy Cove Road. Present at the hearing was Mayor Darrell Swanson and Councilmembers Sandy Eliason, Charles (Chuck) Miller, Irene Schultz and Dean Swanson. Also present was City Administrator Thomas Swenson, City Engineer Dave Reese, City Attorney Paul Sandelin, Community Development Director Paul Larson, Public Works Director Ted Strand and Clerk/Treasurer Darlene Roach. Also present was Councilmember's Elect Dean Eggena and Dick Phillips. (Sign in sheet attached as a permanent part of the minutes.)

Mayor Swanson called the public hearing to order at 6:30 P.M. and stated that the purpose of the hearing was to take questions and public comments regarding the assessment proposed for Happy Cove Road. 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 5, 2002 mailed in a prepaid envelope containing the notice of the hearing along with the record of assessment showing the proposed cost to each benefiting property owner. Property owner address labels were obtained from the Crow Wing County Auditor's Office. On October 31<sup>st</sup> the Notice of Final Assessment Hearing was published in the City's official newspaper, the Lake Country Echo. A telephone call was received from Don Bordsen requesting that a letter he sent to the City prior to the improvement hearing be read into the record. City Administrator Tom Swenson read Mr. Bordsen's letter and a letter received from Richard Kadre objecting to the assessment for property owners on Happy Trail. City Administrator Swenson reviewed several pieces of correspondence to Mr. Kadre from the City and from Mr. Kadre, the representative for the property owners regarding the costs associated with the improvement to the road. City Administrator Tom Swenson stated that the property owners were in agreement that Happy Trail should be improved based on cost estimates prepared by WSN for the seven properties along the road. A fax received by the City on January 9, 2002 from Mr. Kadre stated that he had conferred with the property owners and the project should proceed as revised by WSN. No other correspondence was received regarding the project.

City Engineer Dave Reese presented the project summary for the road improvement project. He stated that the project has been completed and the summary reflects the numbers estimated from the feasibility study and the actual cost of the improvement. The feasibility study completed by Widseth Smith Nolting estimated the cost of the project at \$44,094 with an estimated number of equivalent lots at seventeen for a lot assessment amount of \$1,297. The actual project cost is \$49,441.19. Of this amount, the property owners of the seven lots along Happy Trail will pay 100% of the \$6,080 in cost to improve Happy Trail, the City will pay fifty percent of the remaining balance of \$43,361.19 or \$21,680.59 and 21 equivalent lots (including the seven lots along Happy

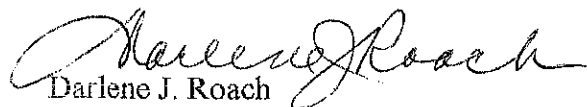
Trail) will pay the remaining fifty percent of the cost of \$21,680.60 or \$1,032.41 per equivalent lot.

The hearing was open to the Council and audience for questions. Mr. Kadrie addressed the Council and stated that City Administrator Tom Swenson's comments regarding correspondence sent between the property owners and the City was correct. Mr. Kadrie stated that he is opposed to the cost assessed to the property owners along Happy Trail as not being deemed fair and equitable. Mr. Kadrie feels that the project should have been split into two projects and assessed accordingly. He feels that the property owners along Happy Trail are being unfairly assessed for the cost of the improvement along Happy Cove Road which is considerably longer in length. City Attorney Paul Sandelin stated that the City has established a basis for assessments, which is fair and equitable for all property owners. City Engineer Dave Reese stated that this process for doing assessments is not new to the City but has been used for the past three years in lieu of assessing by front footage. The combining of roads into one project has also been used in the past as was the case for the roads in Old Log Landing and on 1<sup>st</sup> Street, Second Street and Second Avenue. Another option that the City could have utilized would be to take the costs of all nine projects and divide the total cost equally among all of the equivalent lots in the nine projects. City Administrator Tom Swenson stated that the cost is assessed fairly and equitably since the City shares in 50% of the cost of the project. Mayor Swanson stated that once the road is brought up to City standards, the City takes over all future costs for maintenance of the road. Also, the City spent an additional \$40,000 to upgrade Happy Landing Road at no cost to the property owners. Mayor Swanson stated that the only difference between this project and other projects is that the property owners requested that Happy Trail be improved. City Administrator Tom Swenson commented that Happy Cove Road was narrowed in width from what was recommended in the feasibility study based on recommendations received from property owners during the improvement hearing. City Attorney Paul Sandelin stated that the Council has to conclude that they are being consistent. Councilmember Schultz stated that it would not be fair to change the process at this point in time. City Administrator Swenson stated that there are two ways to assess. One is on front footage and the other is on an equivalent lot basis and the City Council reviewed the two methods before deciding on the equivalent lot basis and determined the equivalent lot basis is a more fair and equitable method than the front foot basis.

There being no further comments, MOTION PH2-11-01-02 WAS MADE BY CHUCK MILLER AND SECONDED BY SANDY ELIASON TO APPROVE RESOLUTION NO. 02-68 ADOPTING ASSESSMENT FOR HAPPY COVE/HAPPY TRAIL 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 ALL AYES.

MOTION PH2-11-02-02 WAS MADE BY DEAN SWANSON AND SECONDED BY SANDY ELIASON TO ADJOURN THIS FINAL ASSESSMENT HEARING AT 7:03 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,

  
Darlene J. Roach  
Clerk/Treasurer

Shared/HAPPY COVE FINAL ASSESSMENT HEARING.doc

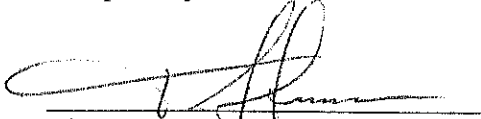
RESOLUTION 02-68  
RESOLUTION ADOPTING ASSESSMENT

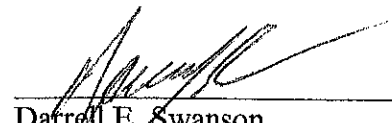
WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to proposed assessment for the improvement of Happy Cove Road from the intersection of Happy Landing Road to the end of the road and Happy Landing Road from the end of bituminous surface (approximately the intersection of Happy Cove Rd) north, approximately 475 feet.

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 2003, and shall bear interest at the rate of 5.0% 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, 2002. 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 19th day of November 2002.

  
Thomas N. Swenson  
City Administrator

  
Darrell E. Swanson  
Mayor

# HAPPY COVE ROAD

# PUBLIC HEARING

6:30 P.M.

November 19, 2002

# SIGN-IN SHEET

[illegible]