



AGENDA ITEM #9.5

REPORT TO CITY COUNCIL

Report Prepared by: Nancy Malecha

Date: August 6, 2019

Subject: North Sluetter Road Improvement Petition

Report: Attached is information received from Maury Graham, on behalf of property owners along North Sluetter Road, petitioning the City to pave this Road.

Per Minnesota Statute 429.035, attached is a Resolution Determining the Legality of a Petition for Local Improvements. The Council will want to consider this Resolution and the following information when providing direction to Staff.

- North Sluetter Road is a shared road with Loon Lake Township. In 2017, a meeting was held with representatives of Loon Lake Township to discuss a shared roads improvement plan for North Sluetter and Myers Roads. Loon Lake Township noted they are not interested in improvements to North Sluetter Road and are only interested in improvements to Myers Road.
- Improvements to North Sluetter Road are not currently on the City's road improvement plan for 2019, 2020, and 2021.
- North Sluetter Road may not meet the definition of a rustic road as defined by the attached Minnesota Statute 160.83 as the traffic volume may exceed 150 vehicles per day. Because of this, the Anderson Brothers quote provided may be inaccurate.
- In 2018, the City adopted Road Standards & Specification Guidelines which classified North Sluetter Road as a residential and rural road and the priority elements should be considered when determining improvements.
- Mr. Graham stated via e-mail that property owners along North Sluetter Road will not accept special assessments for this project.
- Property tax analysis information provided by Mr. Graham is different than the attached North Sluetter Road Properties Analysis prepared by City Staff.

Council Action Requested:

1. Council motion adopting the Resolution Determining the Legality of a Petition for Local Improvements.
2. Any further Council direction to Staff.

**CITY OF PEQUOT LAKES
RESOLUTION 19-___**

**RESOLUTION DETERMINING THE LEGALITY OF A PETITION
FOR LOCAL IMPROVEMENTS**

WHEREAS, on July 29, 2019, residents of North Sluetter Road, located in the City of Pequot Lakes, submitted a petition requesting that the City make improvements to North Sluetter Road by paving the existing roadbed;

WHEREAS, pursuant to Minnesota Statutes, Section 429.031, subd. 1(f), the petition submitted must contain the signatures of the owners of at least thirty-five (35) percent of the frontage property bordering the proposed improvements;

WHEREAS, North Sluetter Road is located on the border of the City and Loon Lake Township, resulting in half of the road being under the jurisdiction of the City while the other half is under the jurisdiction of the Township;

WHEREAS, seventeen of the twenty-four property owners who own real property abutting on North Sluetter Road, all of which are located in Pequot Lakes, signed the petition;

WHEREAS, the seventeen property owners who signed the petition own real property comprising fifty-nine percent (59%) of the entire frontage property bordering the proposed improvements on North Sluetter Road, and comprising of seventy-one percent (71%) of the frontage property bordering the proposed improvements within the City limits;

WHEREAS, North Sluetter Road is under the jurisdiction of both the City and the Township, which results in any alterations proposed to North Sluetter Road being governed, in addition to other applicable laws, by Minnesota Statutes, Section 164.14;

WHEREAS, the property owners who submitted the petition have expressed that they will not accept any special assessments for the proposed improvements to be done to North Sluetter Road;

WHEREAS, the City Council, in receiving the petition for improvements, wishes to address said petition.

NOW, THEREFORE, the Pequot Lakes City Council, based facts and circumstances above-described, does hereby resolve that:

1. The petition requesting improvements to North Sluetter Road is legally sufficient under Minnesota Statutes, Section 429.035.
2. Notwithstanding the legal sufficiency of such petition, due to the petitioners' refusal to pay any special assessments for the proposed improvements, the proposed

improvements will not be included in the projects to be financed by the City in 2019, 2020 or 2021.

Adopted by the City Council of the City of Pequot Lakes this 6th day of August, 2019.

ATTEST:

Cheri Seils
Mayor Pro Tem

Nancy Malecha
City Administrator

160.83 RUSTIC ROADS PROGRAM.

Subdivision 1. **Definition.** A "rustic road" is a road that is not on the state-aid system that has the following characteristics: outstanding natural features or scenic beauty; an average daily traffic volume of less than 150 vehicles per day; year-round use as a local access road; and maximum allowable speed of 45 miles per hour.

Subd. 2. **Local authority.** A road authority other than the commissioner may, by resolution, designate a road or highway under its jurisdiction a rustic road and the road authority may designate the type and character of vehicles that may be operated on the rustic road; designate the road or a portion of the road as a pedestrian way or bicycle way, or both; and establish priority of right-of-way, paint lines, and construct dividers to physically separate vehicular, bicycle, or pedestrian traffic.

Subd. 3. **Joint designation.** Two or more road authorities may jointly designate a rustic road along a common boundary or into or through their jurisdictions. The road authorities may enter into agreements to divide the costs and responsibility for maintaining the rustic road.

Subd. 4. **Costs.** A rustic road must be maintained by the road authority having jurisdiction over the road and is not eligible for state-aid funding. State money must not be spent to construct, reconstruct, maintain, or improve a rustic road.

Subd. 5. **Liability.** (a) A rustic road may be maintained at a level less than the minimum standards required for state-aid highways, roads, and streets, but must be maintained at the level required to serve anticipated traffic volumes. Where a road has been designated by resolution as a rustic road and speed limits have been posted under subdivision 1, the road authority with jurisdiction over the road, and its officers and employees, are exempt from liability for any tort claim for injury to person or property arising from travel on the rustic road related to its maintenance, design, or condition if:

(1) the maintenance, design, or condition is consistent with the anticipated use as described in subdivision 2; and

(2) the maintenance, design, or condition is not grossly negligent.

(b) Nothing in this subdivision exempts a road authority from its duty to maintain bridges under chapter 165 or other applicable law.

History: 1991 c 298 art 4 s 3; 1996 c 455 art 3 s 2

**NORTH SLUETTER ROAD PROPERTIES ANALYSIS
PREPARED BY CITY OF PEQUOT LAKES**

Signed Petition	Property Owner	PID	Taxable Market Value	Tax Classification	City Property Tax Paid	% of Budget for Roads **	Portion of Tax Paid Applied to Roads	Physical Address	Notes
X	Trosdahl	29220557	\$ 227,930	Res. Homestead	\$ 1,307.80	24%	\$ 313.87	6390 N Sluetter Rd	
	Saatzer	29220556	\$ 48,900	Seasonal	\$ 280.62	24%	\$ 67.35	6368 N Sluetter Rd	
	Lodermeier	29220560	\$ 91,000	Seasonal	\$ 522.22	24%	\$ 125.33		
	Olson	29220517	\$ 151,800	Res. Homestead	\$ 871.10	24%	\$ 209.06	3544 Wildlife Trail	Abuts to N Sluetter Rd
X	Kittock	29220518	\$ 199,932	Res. Homestead	\$ 1,147.12	24%	\$ 275.31	6256 N Sluetter Rd	
	Fornell	29220519	\$ 28,800	Seasonal	\$ 165.28	24%	\$ 39.67		
X	Hilts	29220520	\$ 116,000	Res. Homestead	\$ 665.66	24%	\$ 159.76	6232 N Sluetter Rd	
X	Lockwood	29220521	\$ 196,300	Res. Homestead	\$ 1,126.48	24%	\$ 270.36	6206 N Sluetter Rd	
	Matthews	29220561	\$ 566,900	Seasonal	\$ 3,281.84	24%	\$ 787.64	6148 N Sluetter Rd	
	Becker	29220569	\$ 50,100	Seasonal	\$ 287.50	24%	\$ 69.00		
X	Hammill	29220563	\$ 252,200	Seasonal	\$ 1,447.26	24%	\$ 347.34	3788 Becker Ln	Abuts to N Sluetter Rd
X	Birdsell	29220564	\$ 381,209	Res. Homestead	\$ 2,187.52	24%	\$ 525.00	3774 Becker Ln	Abuts to N Sluetter Rd
	Becker	29220562	\$ 235,500	Residential	\$ 1,351.42	24%	\$ 324.34	3791 Becker Ln	Abuts to N Sluetter Rd
X	Dahlquist	29220503	\$ 247,100	Res. Homestead	\$ 1,417.98	24%	\$ 340.32	6044 N Sluetter Rd	
X	Benson	29220566	\$ 376,934	Res. Homestead	\$ 2,162.84	24%	\$ 519.08	6020 N Sluetter Rd	
X	Okerman	29220567	\$ 336,400	Res. Homestead	\$ 1,930.44	24%	\$ 463.31	6014 N Sluetter Rd	
X	Okerman	29220568	\$ 126,800	Res. Homestead	\$ 727.64	24%	\$ 174.63		
X	Graham	29150532	\$ 429,400	Res. Homestead	\$ 2,464.12	24%	\$ 591.39	5988 N Sluetter Rd	
X	Powell	29150533	\$ 403,326	Res. Homestead	\$ 2,314.34	24%	\$ 555.44	5970 N Sluetter Rd	
X	Choromanski	29150534	\$ 109,000	Seasonal	\$ 625.50	24%	\$ 150.12		
X	Fogarty	29150535	\$ 612,000	Res. Homestead	\$ 3,672.64	24%	\$ 881.43	5936 N Sluetter Rd	
X	Hemmerich	29150536	\$ 109,100	Seasonal	\$ 626.08	24%	\$ 150.26		
X	Hemmerich	29150537	\$ 108,700	Seasonal	\$ 623.78	24%	\$ 149.71		
X	Baumann	29150538	\$ 375,800	Res. Homestead	\$ 2,156.54	24%	\$ 517.57	5896 N Sluetter Rd	
71%			\$ 5,781,131		\$ 33,363.72		\$ 8,007.29		
Signed petition but does not qualify:									
	Larsen	29220570							Does not abut N Sluetter Rd
Cass County properties that abut N Sluetter Rd:									
	Tax Forfeited	22-021-1100	\$ -	Non Homestead					
	Tax Forfeited	22-021-1400	\$ -	Non Homestead					
	Tax Forfeited	22-021-4100	\$ -	Non Homestead					
	Wellman	22-021-4404	\$ 63,500	Non Homestead					
	Severance	22-021-4403	\$ 154,600	Owner Homestead					
59%									

** The percentage determined for the Portion of Tax Paid Applied to Roads column encapsulates the entire Roads & Streets Budget in the General Fund

Nancy Malecha

From: Maury Graham
Sent: Wednesday, July 24, 2019 1:46 PM
To: Nancy Malecha
Subject: petition

Nancy--per your request--I am clarifying the fact that NOBODY on No. Sluetter Rd. will accept a special assessment for the reasons outlined in our cover letter. Our petition specifically states that our paving should be included in the upcoming bond vote--or elsewhere. Possibly you could "white out" the statute at the bottom of this petition form--since it's the only petition form we have been provided with.-----Best regards--Maury

7/29/19

To: all council members

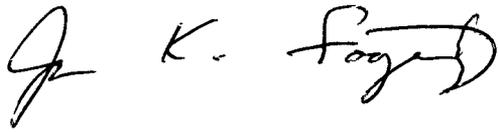
From: the residents of No. Sluetter Rd.

Enclosed—we have provided you with a petition from 18 of the 21 property owners on the above referenced road. This petition reflects the “long overdue” desire for our road to be paved. Specifically, we encourage our paving to be included in the final bond issue intended for 2020 construction. We have enclosed for your review the following: --a spread sheet from 2017—which reflects a total of \$34,705 paid directly to the city with our property taxes. That number is rapidly approaching \$40,000. By the way—the 4 unsold lots on this road will logically get sold for home construction much sooner on a paved road. We have also included an updated BUDGET BID from Brent Potvin at Anderson Bros. in the amount of \$155,000. This bid reflects the current guidelines of the Rustic road classification—no widening—no tree removal—no ditchwork—etc. It is our understanding that the anticipated approved bond issue will be approx.. \$3,000,000. If it is true that 25% of our tax dollars are designated to road improvement---then approx.. \$10,000 per year would fit nicely into a 15 year bond issue @3.5%. The city is currently spending approx.. \$5,000 per year in grading, and choride applications [please refer to Jason]. Therefor—without raising tax rates—this petition, and your approval—should be sensible, and realistic. We respectfully request to be on your agenda for the 8/6/19 meeting.

Best regards,


Maury Graham

John Fogerty



PETITION FOR LOCAL IMPROVEMENT

City of Pequot Lakes

Date: _____

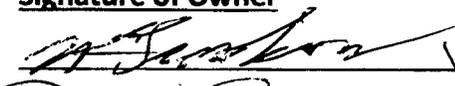
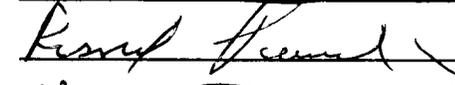
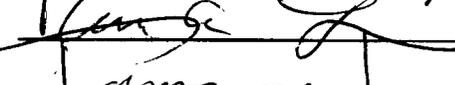
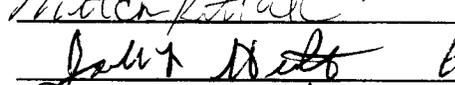
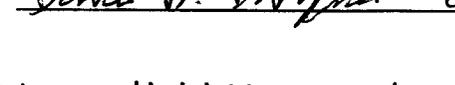
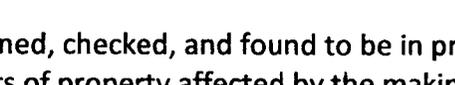
To The City Council of Pequot Lakes, Minnesota:

We, the undersigned, owners of not less than 70 percent in frontage of the real property

abutting: North Sluetter Road, Pequot Lakes, MN

hereby petition that such street be improved by (list improvements) North Sluetter

road to be paved on existing road bed. Cost of such paving
to be included in the Bond implemented by the City to finance
projects in the year 2020,
pursuant to Minnesota Statutes, Chapter 429.

	<u>Signature of Owner</u>	<u>Description of Property</u>
1.		
2.	Debbs Graham	Resident 5988 N. Sluetter Rd
3.		
5.	Lynn Howell	5970 N Sluetter Rd - Resident
6.		
6.	Vicki Benson	6020 N Sluetter Rd Resident
7.		
8.	James C. Ben	6076 N. Sluetter Rd. Resident
9.		
9.	James C. Ben	6076 N. Sluetter Rd Resident
10.		
10.	James C. Ben	6090 N. SLUETTER RD RESIDENT
11.		
11.	Lucy Kittick	6256 N. Sluetter Rd Resident
12.		
12.	Mitch Kittick	" "
13.		
13.	John H. Hobb	6232 N Sluette Rd Resident
14.		
14.	James D. Doherty	6044 N SLUETTON Rd Resident

(Property owned in joint tenancy or by tenants in common must be signed by each owner.)

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

City Clerk

PETITION FOR LOCAL IMPROVEMENT

City of Pequot Lakes

Date: July 2019

To The City Council of Pequot Lakes, Minnesota:

We, the undersigned, owners of not less than 70 percent in frontage of the real property

abutting: North Sletter Road, Pequot Lakes, MN

hereby petition that such street be improved by (list improvements) North Sletter road to be paved on existing road bed. Cost of such paving to be included in the Bond implemented by the City to finance projects in the year 2020.
pursuant to Minnesota Statutes, Chapter 429.

	<u>Signature of Owner</u>	<u>Description of Property</u>
1.	<u>John K. Fogarty</u>	<u>5936 North Sletter Rd</u>
2.	<u>Kita A. Fogarty</u>	<u>5936 N Sletter Rd.</u>
3.	<u>Marilyn Bindell</u>	<u>3774 Becker Lane</u>
5.	<u>Ker Bindell</u>	<u>3774 Becker Lane</u>
6.	<u>John Bindell</u>	<u>3774 Becker Lane</u>
7.	<u>Carl Hammerick</u>	<u>(29150537 - 7915036</u>
8.	<u>Jeanine Hammerick</u>	<u>" "</u>
9.	<u>Janet Charnock</u>	<u>PIO # 2915 0534</u>
10.	<u>Dustin Lockwood</u>	<u>6206 N. Sletter Rd.</u>
11.	<u>Raf Baumann</u>	<u>5896 N. Sletter Rd</u>
12.	<u>Dustin Lockwood</u>	<u>6206 N Sletter Rd.</u>
13.	<u>B. Hummel</u>	<u>3788 BECKER LANE</u>
14.		

(Property owned in joint tenancy or by tenants in common must be signed by each owner.)

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

[Signature]
City Clerk



PETITION FOR LOCAL IMPROVEMENT

City of Pequot Lakes

Date: _____

To The City Council of Pequot Lakes, Minnesota:

We, the undersigned, owners of not less than 70 percent in frontage of the real property

abutting: North Sluette Road, Pequot Lakes, MN

hereby petition that such street be improved by (list improvements) North Sluette

road to be paved on existing road bed. Cost of such paving
to be included in the Bond implemented by the City to finance
Projects in the year 2020.
pursuant to Minnesota Statutes, Chapter 429.

	<u>Signature of Owner</u>	<u>Description of Property</u>
1.	<u>[Signature]</u>	<u>6014 N. Sluette Rd N</u>
2.	<u>Brista Kirman</u>	<u>6014 N. Sluette Rd</u>
3.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____

(Property owned in joint tenancy or by tenants in common must be signed by each owner.)

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

City Clerk

Rate based on homestead per \$1000

Property Descripton	Owner	Tax base	City	Loon	Crow	Cass	School	Total	Total
N Sluetter Road			5.51	1.25	3.06	2.29	2.53	City	Loon
	Baumann	\$377,700	\$2,081	\$472	\$1,156	\$865	\$956	\$4,192	\$2,293
	Hemmerich	\$108,700	\$599	\$136	\$333	\$249	\$275	\$1,207	\$660
	Hemmerich	\$109,100	\$601	\$136	\$334	\$250	\$276	\$1,211	\$662
	Fogerty	\$612,000	\$3,372	\$765	\$1,873	\$1,401	\$1,548	\$6,793	\$3,715
	Choromanski	\$109,000	\$600.59	\$136	\$334	\$250	\$276	\$1,210	\$662
	Powell	\$404,200	\$2,227	\$505	\$1,237	\$926	\$1,023	\$4,487	\$2,453
	Graham	\$429,400	\$2,366	\$537	\$1,314	\$983	\$1,086	\$4,766	\$2,606
	Okerman	\$126,800	\$699	\$159	\$388	\$290	\$321	\$1,407	\$770
	Okerman	\$336,400	\$1,854	\$421	\$1,029	\$770	\$851	\$3,734	\$2,042
	Benson	\$380,000	\$2,094	\$475	\$1,163	\$870	\$961	\$4,218	\$2,307
	Dalhquist	\$260,800	\$1,437	\$326	\$798	\$597	\$660	\$2,895	\$1,583
	Meyer	\$390,200	\$2,150	\$488	\$1,194	\$894	\$987	\$4,331	\$2,369
	Becker Family	\$50,100	\$276	\$63	\$153	\$115	\$127	\$556	\$304
	Birdsell	\$383,900	\$2,115	\$480	\$1,175	\$879	\$971	\$4,261	\$2,330
	Hammill	\$252,200	\$1,390	\$315	\$772	\$578	\$638	\$2,799	\$1,531
	Becker	\$250,200	\$1,379	\$313	\$766	\$573	\$633	\$2,777	\$1,519
	Matthews	\$566,900	\$3,124	\$709	\$1,735	\$1,298	\$1,434	\$6,293	\$3,441
	Lockwood	\$214,200	\$1,180	\$268	\$655	\$491	\$542	\$2,378	\$1,300
	Hilts	\$140,600	\$775	\$176	\$430	\$322	\$356	\$1,561	\$853
	Fornell	\$28,000	\$154	\$35	\$86	\$64	\$71	\$311	\$170
	Kittrock	\$217,600	\$1,199	\$272	\$666	\$498	\$551	\$2,415	\$1,321
	Olson	\$173,400	\$955	\$217	\$531	\$397	\$439	\$1,925	\$1,053
	Lodermeier	\$91,000	\$501	\$114	\$278	\$208	\$230	\$1,010	\$552
	Saatzer	\$42,900	\$236	\$54	\$131	\$98	\$109	\$476	\$260
	Trosdahl	\$243,300	\$1,341	\$304	\$744	\$557	\$616	\$2,701	\$1,477
		\$6,298,600	\$34,705	\$7,873	\$19,274	\$14,424	\$15,935		

City versus Loon \$34,705-\$7873 =

\$26,832
\$4,850

Crow vs Cass \$19274-\$14424 =



Anderson Brothers Construction Company
 11325 State Highway 210
 Brainerd, MN 56401
 218-829-1768
 218-829-7607 Fax

To: City Of Pequot	Contact: Mike
Address: 4638 County Road 11 Pequot Lakes, MN 56472 CROW WING	Phone: 218-568-5222
	Fax: 218-568-5860
Project Name: North Sluetter Road-Budget Numbers	Bid Number:
Project Location:	Bid Date:

Item #	Item Description	Estimated Quantity	Unit
2021.501	Mobilization	1.00	LS
2104.513	Saw Bituminous Pavement	45.00	LF
2112.501	Subgrade Preparation	53.47	ST
2211.501	3" Aggregate Base Class 5	2,200.00	TON
2221.501	Aggregate Shouldering Class 1	280.00	TON
2360.501	2" Bituminous Wear Course	1,373.00	TON

Total Bid Price: \$154,047.63

Notes:

- We are pleased to provide budget numbers the following on the above-referenced project.
- All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.
- Budget Numbers Only-Project will need to be re-bid prior to accepting quote
- Pricing includes placement and compaction of 3" of class 5 covering approximately 5,347 Lf by 24' wide, a 2' bituminous wear course covering 5,347 LF by 20' wide, a 2' compacted class 1 shoulder, saw cutting a joint at each end of the road and all paved approaches along the road and grading of the existing road prior to any work to ensure proper drainage and shaping.

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: Anderson Brothers Construction Company Of Brainerd, LLC</p> <p>Authorized Signature: </p> <p>Estimator: Brent Potvin bpotvin@andersonbrothers.com</p>
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