



MAYOR & COUNCIL COMMUNICATION

DATE: September 1, 2015
CONSENT
ITEM # 6

AGENDA ITEM: 2014 Street Improvements – Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessments, and Calling for Hearing on Proposed Assessment

SUBMITTED BY: Ryan Stempksi, Project Engineer

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director
Dave Snyder, City Attorney

SUGGESTED ORDER OF BUSINESS *if removed from the Consent Agenda*:

- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: None.

Calling a final assessment hearing follows state statute for assessing benefitting properties for the street improvements constructed in 2014.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider, *as part of the consent agenda*, declaring costs to be assessed, ordering preparation of the proposed assessment, and calling for the final assessment hearing for the 2014 Street Improvements. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Resolution No. 2015-68; A Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for the Hearing on the Proposed Assessment for the 2014 Street Improvements.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The 2014 Street Improvements have been completed and the total project costs are known. Final total project costs were 90% of the authorized project amounts, or \$188,500 less than planned. Therefore the unit assessment rates may be reduced, at Council direction, to remain in line with the current assessment policies and practices, assessing 30% of eligible costs to residential properties in each project area. Staff is recommending a reduction in the assessments as outlined below. With the reduced project costs and assessment amounts, the City cost-share portion of the project is also reduced by \$127,150, or 9.6% of the planned amount.

	<u>Preliminary</u>	<u>Final</u>
TOTAL PROJECT	\$1,744,150	\$1,561,891.41
City Share	\$1,322,350	\$1,195,200
Assessed Costs	\$491,400	\$429,200
UNIT ASSESSMENTS		
Packard Park	\$6,000 (per unit)	\$5,000 (per unit)
Deer Pond Area	\$6,400 (per unit)	\$5,700 (per unit)
Manning Trail	\$3,200 (per unit)	\$2,900 (per unit)
*Tartan Park	\$95,800 (100% per foot)	\$87,400 (100% per foot)

Pursuant to Minnesota Statutes, Section 429 the council must declare the amount to be assessed against the benefiting properties and Call the Hearing on the Proposed Assessment for these improvements. The Assessment Hearing is proposed for October 6, 2015. The Final Assessment Roll must be certified to the County Auditor by November 30, 2015. Final special assessments for this project were established per the City’s Special Assessment Policy.

RECOMMENDATION:

Staff is recommending that the City Council approve, *as part of the Consent Agenda*, Resolution No. 2015-68, thereby declaring the costs to be assessed to be \$429,200; ordering the preparation of the proposed assessments with the unit assessments to be \$5,700 for Deer Pond Trail and Court; \$5,000 for the Packard Park neighborhood; and \$2,900 for residential properties along Manning Trail; and \$87,400 for Tartan Park, a non-residential property with 100% front footage to be assessed along Manning Trail; and Calling for the Hearing on the Proposed Assessments for October 6, 2015 at or around 7:00 PM. If removed from the consent agenda, the recommended motion is as follows:

“Move to approve Resolution 2015-68; A Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for the Hearing on the Proposed Assessment for the 2014 Street Improvements.”

ATTACHMENT(S):

1. Resolution No. 2015-68. Resolution Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for Hearing on Proposed Assessment
2. Notice of Hearing on Proposed Assessment.
3. Final Assessment Roll.
4. Final Project Cost Summary.

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2015-68

**A RESOLUTION DECLARING COST TO BE ASSESSED, ORDERING
PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR
HEARING ON PROPOSED ASSESSMENT FOR THE 2014 STREET
IMPROVEMENTS**

WHEREAS, a contract has been let for the 2014 Street Improvements including a reclaim and overlay within the Packard Park neighborhood and reconstruction of Manning Trail N, Deer Pond Trail N, from Hidden Bay Trail to Jack Pine Trail and Deer Pond Court N; and

WHEREAS, the total cost of the improvements will be \$1,562,000; and

WHEREAS, the City Clerk and City Engineer have prepared the proposed assessment roll and will maintain said assessment roll on file in the City offices for public inspection.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

1. The portion of the cost of such street improvements to be paid by the City is hereby declared to be \$1,195,200, and the portion of the cost to be assessed against benefited property owners is declared to be \$429,200.
2. The City Clerk, with the assistance of the City Engineer, has calculated the proper amount to be specially assessed for such improvements against every assessable lot, piece or parcel of land to be benefited by the improvements, and the Clerk has filed a copy of such proposed assessment in the City offices for public inspection.
3. Assessments 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 in January, 2016, and shall bear interest at the rate of 4.61 percent per annum from the date of the adoption of the assessment resolution.
4. A public hearing shall be held on the 6th day of October, 2015, in the Council Chambers of the City Hall at or approximately after 7:00 P.M. to pass upon such proposed assessment. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
5. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
6. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Clerk. No interest shall be charged if the entire assessment is paid within 30

days from the adoption of the assessment. A property owner may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 21 or interest will be charged through December 31 of the succeeding year

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FIRST DAY OF
SEPTEMBER 2015.**

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Julie Johnson
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON PROPOSED ASSESSMENT
2014 STREET IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the Council Chambers of the City Hall at or approximately after 7:00 P.M. on Tuesday, October 6, 2015, to consider, and possibly adopt, the proposed assessment against abutting property for the 2014 Street Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following describes the area proposed to be assessed:

- Packard Park Area: The amount to be specially assessed against each particular lot, piece, or parcel of land located within the Packard Park Area, including 24th Street North from Lake Elmo Avenue to Legion Avenue; 24th Street Court North; Lansing Avenue North; 20th Street Court North; and Legion Avenue North from 20th Street to 24th Street is \$5,000.
- Manning Trail North: The amount to be specially assessed against each particular residential lot, piece, or parcel of land located along Manning Trail North from Manning Avenue to the City Limits is \$2,900. The amount to be specially assessed against Tartan Park, the non-residential property along Manning Trail North from Manning Avenue to the City Limits is \$87,400.
- Deer Pond Area: The amount to be specially assessed against each particular lot, piece, or parcel of land located within the Deer Pond Area, including Deer Pond Trail from Hidden Bay Trail to Jack Pine Trail; and Deer Pond Court is \$5,700.

You may at any time prior to certification of the assessment to the county auditor on November 21, 2015, pay the entire assessment on such property to the City Clerk with interest accrued to the date of payment. No interest shall be charged if the entire assessment is paid to the City Clerk 30 days from the adoption of this assessment. You may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 (date assessment certified to County Auditor) or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 4.61 percent per year.

Once assessments are certified to the County, the assessments are 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 in January 2016, and will bear interest at the rate of 4.61 percent per annum from the date of adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2015. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed street improvement assessment is \$429,200. *The City contribution for the street improvement project is \$1,195,200.* Written or oral objections

will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.

The City Council is authorized in its discretion to defer the payment of an assessment for any homestead property owned by a person for whom it would be a hardship to make payment if the owner is 65 years of age or older and/or the owner is a person retired by virtue of a permanent and total disability or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in section 190.05 subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments. The owner must request a deferment of the assessment at or before the public hearing at which the assessment is adopted and make application on forms prescribed by the City Clerk within 30 days after the adoption.

Notwithstanding the standards and guidelines established by the City for determining a hardship, a deferment of an assessment may be obtained pursuant to Minnesota Statutes Section 435.193.

DATED: September 1, 2015

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on September 9, 2015)

NO.	NAME	ADDRESS					PID	AMOUNT
1	WALMAR BEVERLY & JACK TRS	8203	HIDDEN BAY	TRL N	LAKE ELMO	55042	0902921320020	\$ 5,700.00
2	BROSSART DIANE S	8206	DEER POND	TRL N	LAKE ELMO	55042	0902921320003	\$ 5,700.00
3	KRINGS MICHAEL R & PATRICIA A	8220	DEER POND	TRL N	LAKE ELMO	55042	0902921320004	\$ 5,700.00
4	BRENGEN JOHN H & EMILY E	8260	DEER POND	TRL N	LAKE ELMO	55042	0902921310022	\$ 5,700.00
5	CAPELING LAWRENCE L & YVONNE	8281	DEER POND	TRL N	LAKE ELMO	55042	0902921340004	\$ 5,700.00
6	LARSON REUBEN A & GERALDINE R	8292	DEER POND	TRL N	LAKE ELMO	55042	0902921310021	\$ 5,700.00
7	NICOSIA S CHRISTIAN & ROXANNE	8295	DEER POND	TRL N	LAKE ELMO	55042	0902921340003	\$ 5,700.00
8	MODEAN JASON M & AMY L	8312	DEER POND	TRL N	LAKE ELMO	55042	0902921310020	\$ 5,700.00
9	OSTARELLO BENJAMIN	8323	DEER POND	TRL N	LAKE ELMO	55042	0902921340002	\$ 5,700.00
10	YARUSSO GENTILE R JR & SHARON	8355	DEER POND	TRL N	LAKE ELMO	55042	0902921340001	\$ 5,700.00
11	HOLDER VIRGINIA M TRS & J THOMAS MCHENRY TRS	8390	DEER POND	TRL N	LAKE ELMO	55042	0902921310019	\$ 5,700.00
12	WALD LEON D & LORRAINE M	8401	DEER POND	TRL N	LAKE ELMO	55042	0902921310028	\$ 5,700.00
13	JOHNSON DONNA M	8405	DEER POND	TRL N	LAKE ELMO	55042	0902921310007	\$ 5,700.00
14	PETERSON CHARLES I & JUDITH	8233	DEER POND	CT N	LAKE ELMO	55042	0902921330018	\$ 5,700.00
15	BLANEY JAMES E & DAWN M	8237	DEER POND	CT N	LAKE ELMO	55042	0902921330019	\$ 5,700.00
16	FLANAGAN STEVEN J & SUSAN M	8239	DEER POND	CT N	LAKE ELMO	55042	0902921330020	\$ 5,700.00
17	SNELL JOHN B & JEANIE B	8241	DEER POND	CT N	LAKE ELMO	55042	0902921330014	\$ 5,700.00
18	BULTMAN PAUL A	8243	DEER POND	CT N	LAKE ELMO	55042	0902921330013	\$ 5,700.00
19	WILLIAMSON JUDITH C	8245	DEER POND	CT N	LAKE ELMO	55042	0902921330012	\$ 5,700.00
20	PEARSON RICHARD O & DIANE E	8247	DEER POND	CT N	LAKE ELMO	55042	0902921330011	\$ 5,700.00
21	LIPMAN ERIC L & KIMBERLY A	8249	DEER POND	CT N	LAKE ELMO	55042	0902921330010	\$ 5,700.00
22	CARLSON ERIC J & JANE L M	8251	DEER POND	CT N	LAKE ELMO	55042	0902921330009	\$ 5,700.00
23	SJERVEN GENE A & LORRAINE TRS	8255	DEER POND	CT N	LAKE ELMO	55042	0902921330008	\$ 5,700.00
							TOTAL	\$ 131,100.00

2014 STREET IMPROVEMENTS
MANNING TRAIL NORTH
FINAL ASSESSMENT ROLL

NO.	NAME	ADDRESS	PID	AMOUNT
1	TARTAN PARK LLC	11455 20TH ST N LAKE ELMO	55042 02502921120001	\$ 87,400.00
2	SELINSKI MICHAEL JOSEPH	1875 MANNING TRL N LAKE ELMO	55042 02502921110001	\$ 2,900.00
3	NORMA L VALERI	1957 MANNING TRL N LAKE ELMO	55042 02502921110003	\$ 2,900.00
4	BEAN ROBERT D	1985 MANNING TRLN LAKE ELMO	55042 02502921110002	\$ 2,900.00
5	KIEKHAFFER ALLEN L & MARCELLA	2040 MANNING TRL N LAKE ELMO	55042 02402921440006	\$ 2,900.00
6	ZWIEFEL MICHAEL P & COLLEEN M MORAN	2055 MANNING TRL N LAKE ELMO	55042 02402921440017	\$ 2,900.00
7	PEARSON RICHARD M & ANNE K	2101 MANNING TRL N LAKE ELMO	55042 02402921440018	\$ 2,900.00
8	SULLIVAN KOLLEEN F	2270 MANNING TRL N LAKE ELMO	55042 02402921440003	\$ 2,900.00
9	BIRD JAYNE E & RONALD E	2244 MANNING TRL N LAKE ELMO	55042 02402921440005	\$ 2,900.00
10	SCHMIDT LILLIAN M	2296 MANNING TRL N LAKE ELMO	55042 02402921410001	\$ 2,900.00
TOTAL				\$ 113,500.00

2014 STREET IMPROVEMENTS
PACKARD PARK AREA
FINAL ASSESSMENT ROLL

NO.	NAME	ADDRESS	PID	AMOUNT
1	SCHWARTZ STEVEN R	2393 LAKE ELMO AVE N LAKE ELMO	55042 02402921320019	\$ 5,000.00
2	BUSH LARRY W & KATHRYN L	11140 24TH ST N LAKE ELMO	55042 02402921320012	\$ 5,000.00
3	FEUERHERM FREDERICK P & NANCY	11202 24TH ST N LAKE ELMO	55042 02402921320018	\$ 5,000.00
4	DAVIS PETER E & JEANNE E	11233 24TH ST N LAKE ELMO	55042 02402921310013	\$ 5,000.00
5	SCHMELZ JONATHAN & CAROL	11277 24TH ST N LAKE ELMO	55042 02402921310014	\$ 5,000.00
6	LAFAVOR RYAN B & NORMA P	11350 24TH ST N LAKE ELMO	55042 02402921310015	\$ 5,000.00
7	VANDERKELEN GARY J TRS & MARLINE A VANDERKELEN TRS	11355 24TH ST N LAKE ELMO	55042 02402921310010	\$ 5,000.00
8	HUNSTAD STEVE D & MERRI J	11420 24TH ST N LAKE ELMO	55042 02402921310011	\$ 5,000.00
9	JOHNSTON RAYMOND P & VICKIE	2410 LANSING AVE N LAKE ELMO	55042 02402921310012	\$ 5,000.00
10	KONISZCZUK WALDEMAR & JANICE	2430 LANSING AVE N LAKE ELMO	55042 02402921320017	\$ 5,000.00
11	FERGUSON ANTHONY G TRS	2450 LANSING AVE N LAKE ELMO	55042 02402921320016	\$ 5,000.00
12	MOELLER WILLIAM P JR & MARGARET MOELLER	2455 LANSING AVE N LAKE ELMO	55042 02402921310016	\$ 5,000.00
13	EITZMAN PHILIP D & DIANA M	2470 LANSING AVE N LAKE ELMO	55042 02402921320015	\$ 5,000.00
14	SCHWABEL KENDRA K	11365 24TH ST CT N LAKE ELMO	55042 02402921310009	\$ 5,000.00
15	GREUPNER GERALD W & PATRICIA	11375 24TH ST CT N LAKE ELMO	55042 02402921310008	\$ 5,000.00
16	RYAN STEPHEN P & PATRICIA A	11385 24TH ST CT N LAKE ELMO	55042 02402921310006	\$ 5,000.00
17	FOUT BRYAN JAMES & MOSEMAN & JOAN T MOSEMAN	11395 24TH ST CT N LAKE ELMO	55042 02402921310005	\$ 5,000.00
18	ST MICHEL MARK L & JAMIE J	11407 24TH ST CT N LAKE ELMO	55042 02402921310004	\$ 5,000.00
19	GESCHKE JAMES C & CLOE M	2450 LEGION AVE N LAKE ELMO	55042 02402921310003	\$ 5,000.00
20	MATTISON DONALD W & FAY A	2359 LEGION AVE N LAKE ELMO	55042 02402921420021	\$ 5,000.00
21	SMITH ADAM D	2329 LEGION AVE N LAKE ELMO	55042 02402921420020	\$ 5,000.00
22	JOHNSON SCOTT & JUDITH A	2320 LEGION AVE N LAKE ELMO	55042 02402921310007	\$ 5,000.00
23	BUCHECK DAVID J & ANN M	2301 LEGION AVE N LAKE ELMO	55042 02402921420019	\$ 5,000.00
24	BERNIER RICHARD A TRS & LINDA K BERNIER TRS	2257 LEGION AVE N LAKE ELMO	55042 02402921420018	\$ 5,000.00
25	BARTHOLOMEW CHERYL A & MICHAEL	2229 LEGION AVE N LAKE ELMO	55042 02402921430023	\$ 5,000.00
26	DURAND MARY JEAN TRS	GREEN ACRES 11332 20TH ST N LAKE ELMO	55042 02402921340001	\$ 25,000.00
27	FAIRROW RICHARD S & SARAH M	2075 LEGION AVE N LAKE ELMO	55042 02402921430012	\$ 5,000.00
28	COOK CHRISTOPHER P & KAREN F	11120 20TH ST CT N LAKE ELMO	55042 02402921330011	\$ 5,000.00
29	JUNKER JEROME E & SANDRA L TRS & SANDRA L JUNKER T	11130 20TH ST CT N LAKE ELMO	55042 02402921330010	\$ 5,000.00
30	BURNS JAMES A & BETH R	11140 20TH ST CT N LAKE ELMO	55042 02402921330009	\$ 5,000.00
31	MORGAN DIANE TRUDEAU	11150 20TH ST CT N LAKE ELMO	55042 02402921330008	\$ 5,000.00
TOTAL				\$ 175,000.00



PROJECT BUDGET SUMMARY REPORT - ENGINEERING SERVICES

PROJECT BUDGET BY PHASE	BUDGET	CONTRACT TYPE	JTD INVOICED	%
Feasibility Report	\$13,000.00	Lump Sum	\$12,998.09	100.0%
Design/Bidding Phase Services	\$80,732.00	Hourly NTE	\$74,474.84	92.2%
Construction Administration	\$55,668.00	Est. Hourly	\$29,347.00	52.7%
Construction Staking	\$18,850.00	Est. Hourly	\$20,579.00	109.2%
Construction Observation	\$68,600.00	Est. Hourly	\$39,046.45	56.9%
Easement & Description	\$1,000.00	Hourly NTE	\$987.50	98.8%
TOTAL Engineering Fees	\$237,850.00		\$177,432.88	74.6%
ADDITIONAL SERVICES	BUDGET	CONTRACT TYPE	JTD INVOICED	%
TOTAL Additional Services				
TOTAL ENGINEERING SERVICE FEES	\$237,850.00		\$177,432.88	74.6%

PROJECT INFORMATION

TOTAL PROJECT BUDGET BREAKDOWN	FEASIBILITY REPORT	FINAL COST
Construction Cost	\$1,380,000.00	\$1,469,015.70
Change Order No. 1		\$7,988.30
Compensating Change Order No. 2 - Reconcile bid quantities to actual.		-\$91,056.29
REVISED Contract Amount	\$1,380,000.00	\$1,385,947.71
Contingencies	\$137,900.00	\$0.00
Engineering Report and Design Phase Services	\$93,732.00	\$88,460.43
Engineering Construction Phase Services	\$74,518.00	\$59,926.00
Construction Observation	\$68,600.00	\$39,046.45
Geotechnical Engineering	\$20,000.00	\$12,022.30
Legal, Fiscal & Administration	\$39,000.00	\$39,000.00
TOTAL PROJECT BUDGET	\$1,813,750.00	\$1,624,402.89
Reimbursed from WLT:	-\$69,600.00	-\$62,511.48
TOTAL PROJECT BUDGET - CITY OF LAKE ELMO	\$1,744,150.00	\$1,561,891.41

2014 STREET IMPROVEMENTS - TOTAL ASSESSABLE PROJECT COSTS

Preliminary **Final**

\$491,400 \$429,200 *Costs Assessed to Benefitting Properties*

\$1,322,350 \$1,195,203 *City Share of Street Improvement Costs*

Unit Assessments

Preliminary: **Final:**

Construction Start Date:	July 8, 2014	Packard Park	\$6,000	\$5,000
Substantial Completion Date:	October 10, 2014 October 31, 2014	Deer Pond	\$6,400	\$5,700
Final Completion Date:	November 21, 2014 January 20, 2015	Manning Trail	\$3,200	\$2,900
		Tartan Park	\$95,800	\$87,400