



MAYOR & COUNCIL COMMUNICATION

DATE: October 18, 2016
REGULAR
ITEM # 16

AGENDA ITEM: 2016 Street, Drainage and Utility Improvements – Assessment Hearing on Improvements and Adopting the Final Assessment Roll

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Cathy Bendel, Finance Director
Sarah Sonsalla, City Attorney
Chad Isakson, Assistant City Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Engineer
- Report/Presentation..... City Engineer
- Questions from Council to Staff Mayor Facilitates
- Open Public Improvement Hearing; Public Input.....Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Engineering/Finance.

FISCAL IMPACT: None. Holding the final assessment hearing follows state statute for assessing benefitting properties for the improvements and adopting the final assessment roll finalizes the special assessments to be levied for the project.

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to conduct the Final Assessment Hearing for the 2016 Street, Drainage and Utility Improvements and to hear upon any objections to the proposed assessment whether presented verbally or in writing. Following the Hearing, the Council is asked to consider adopting the final assessment roll.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION: On September 20, 2016, the City Council approved a Resolution declaring the costs to be assessed, ordering the preparation of the proposed assessment, and calling for the hearing on proposed assessment for the 2016 Street, Drainage and Utility Improvements.

Pursuant to Minnesota Statutes, Section 429 the Council must declare the final amount to be assessed against the benefitting properties and the hearing on the proposed assessment for these improvements must be conducted. Staff has attached a proposed Final Assessment Roll per the unit assessment amounts presented below. Mailed notice has been provided to each assessed property and notice of the public hearing has been published in the local paper in accordance with Minnesota Statutes, Section 429. The Final Assessment Roll must be certified to the County Auditor by November 30, 2016.

The Final Assessment Rolls have been calculated based on the final project costs and in accordance with the City's Special Assessment Policy. The final total project cost is \$1,285,400; down from the feasibility report total project cost of \$1,359,800. The final total cost of the street improvements are \$1,119,200 and water system improvements are \$166,200. The summary table below outlines changes when compared with the feasibility report for a standard residential property. There are select properties that are non-residential or were assigned higher equivalent values. The proposed assessment for these parcels can be reviewed on the attached assessment rolls.

Table 1: Assessment Comparison

	Feasibility Report	Proposed Final Assessment
Kirkwood Neighborhood (Streets)	\$13,800	\$11,700
Kelvin Neighborhood (Streets)	\$5,200	\$5,100
Kelvin Neighborhood (Lateral Watermain)	\$12,000	\$11,900
Kelvin Neighborhood (Trunk Watermain)	\$2,900	\$2,900
Stonegate Neighborhood (Streets)	\$6,000	\$5,600

Assessments for street improvements are being levied over 10 years and the water system improvements will be levied over a 15-year period.

RECOMMENDATION: Staff is recommending that the City Council adopt Resolution No. 2016-95; Adopting the Final Assessment Roll for the 2016 Street, Drainage and Utility Improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2016-95, Adopting the Final Assessment Roll for the 2016 Street, Drainage and Utility Improvements.”

ATTACHMENT(S):

1. Resolution No. 2016-95 Adopting the Final Assessment Roll on Street and Watermain Improvements.
2. Notice of Hearing on Proposed Assessment.
3. Final Assessment Rolls.

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

RESOLUTION NO. 2016-95

**A RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL FOR
THE 2016 STREET, DRAINAGE AND UTILITY IMPROVEMENTS**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the 2016 Street, Drainage and Utility Improvements including street, drainage and utility improvements of Kelvin Avenue North from CSAH 14 to north cul-de-sac, Kirkwood Avenue North from 50th Street to north cul-de-sac, 9th Street North, Jasmine Avenue Place North, and Jasmine Avenue North from CSAH 10 to Stonegate 1st Addition limits.

NOW, THEREFORE, BE IT RESOLVED,

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 10 years for streets and 15 years for watermain, the first of the installments to be payable on or before the first Monday in January, 2017, and shall bear interest at the rate of 2.68% percent per annum from the date of the adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2016. 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 the certification of the assessment to the county auditor, pay the whole of the assessment on such property, with the interest accrued to the date of payment, to the City Clerk, 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 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 or interest will be charged through December 31 of the next succeeding year.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE EIGHTEENTH DAY OF
OCTOBER, 2016.**

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Julie Johnson
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON PROPOSED ASSESSMENT
2016 STREET, DRAINAGE, AND UTILITY 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 18, 2016, to consider, and possibly adopt, the proposed assessment against abutting property for the 2016 Street, Drainage, and Utility Improvement. Adoption by the Council of the proposed assessment may occur at the hearing. The following describes the area proposed to be assessed:

- Street Improvements: Kirkwood Avenue North road reconstruction from 50th Street North to the north cul-de-sac.
- Street Improvements: Kelvin Avenue North road reconstruction from CSAH 14 to the north cul-de-sac.
- Street Improvements: Resurfacing the street through a street reclaim within the Stonegate 1st Addition consisting of 9th Street North; Jasmine Avenue Place North; and Jasmine Avenue North from 10th Street (CSAH 10) to Julep Avenue North.
- Water System Improvements: Extension of a trunk municipal water system along Kelvin Avenue North from Stillwater Lane North to Kelvin Court North.
- Water System Improvements: Extension of a lateral municipal water system along Kelvin Avenue North from Kelvin Court North to the northern cul-de-sac.

You may at any time prior to certification of the assessment to the county auditor on November 18, 2016, 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 2.68 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 for street improvements and 15 years for watermain improvements, the first of the installments to be payable on or before the first Monday in January 2017, and will bear interest at the rate of 2.68 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, 2016. 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 \$401,700. The total amount of the proposed water system improvement assessment is \$82,700. *The City*

contribution for the overall improvement project is \$801,000. 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 20, 2016

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on September 28, 2016)

STREET IMPROVEMENTS
 KELVIN AVENUE NORTH
 FINAL ASSESSMENT ROLL

NO.	NAME	ADDRESS	PID	AMOUNT
1	COMMON GROUND CHURCH	10240 STILLWATER BLVD N LAKE ELMO	55042 1402921320024	\$ 13,200.00
2	FRENIER ANTOINE & ANDREA MEYER	10240 STILLWATER LN N LAKE ELMO	55042 1402921320016	\$ 5,100.00
3	HEDQUIST RICHARD A & PATRICI	3440 KELVIN AVE N LAKE ELMO	55042 1402921320014	\$ 5,100.00
4	CHRISTENSEN CYNDIE	3464 KELVIN AVE N LAKE ELMO	55042 1402921320013	\$ 5,100.00
5	ROGERS WILLIAM J & JUDY D	3490 KELVIN AVE N LAKE ELMO	55042 1402921320012	\$ 5,100.00
6	RICCARDI JOHN L & HEATHER A	3503 KELVIN AVE N LAKE ELMO	55042 1402921240002	\$ 5,100.00
7	RICCARDI JOHN L & HEATHER A	3503 KELVIN AVE N LAKE ELMO	55042 1402921240006	\$ 5,100.00
8	CHAVEZ JOSE & JOAN S	3505 KELVIN AVE N LAKE ELMO	55042 1402921240005	\$ 5,100.00
9	LINDER ALBERT R & JUDITH A	3508 KELVIN AVE N LAKE ELMO	55042 1402921320019	\$ 5,100.00
10	SCHILTGREN ROBERT J TRS & MARY J HOGAN-SCHILTGREN TR	3509 KELVIN AVE N LAKE ELMO	55042 1402921240011	\$ 5,100.00
11	PAULSON DONALD V & PHYLLIS K	3533 KELVIN AVE N LAKE ELMO	55042 1402921240007	\$ 5,100.00
12	KASK EARLE L & FREYA L	3551 KELVIN AVE N LAKE ELMO	55042 1402921240009	\$ 5,100.00
13	LOOS DAVID S & WENDY	3567 KELVIN AVE N LAKE ELMO	55042 1402921240010	\$ 5,100.00
14	GROPPOLI JUSTIN	3597 KELVIN AVE N LAKE ELMO	55042 1402921240008	\$ 5,100.00
15	CURRAN PATRICK A & DIANE J	3607 KELVIN AVE N LAKE ELMO	55042 1402921240012	\$ 5,100.00
16	CURRAN PATRICK A & DIANE J	3607 KELVIN AVE N LAKE ELMO	55042 1402921240013	\$ 5,100.00
17	FRIEDERICH WILLIAM & CHRISTIN	3691 KELVIN AVE N LAKE ELMO	55042 1402921230003	\$ 5,100.00
18	GIBBONS JAMES C & JEANNE M BEAUBIEN	3681 KELVIN AVE N LAKE ELMO	55042 1402921240003	\$ 5,100.00
TOTAL				\$ 99,900.00

WATERMAIN IMPROVEMENTS
 KELVIN AVENUE NORTH
 FINAL ASSESSMENT ROLL

NO.	NAME			ADDRESS			PID	AMOUNT	
1	COMMON GROUND CHURCH	10240	STILLWATER	BLVD N LAKE ELMO	55042	1402921320024	\$	5,800.00	
2	FRENIER ANTOINE & ANDREA MEYER	10240	STILLWATER	LN N LAKE ELMO	55042	1402921320016	\$	2,900.00	
3	HEDQUIST RICHARD A & PATRICI	3440	KELVIN	AVE N LAKE ELMO	55042	1402921320014	\$	2,900.00	
4	CHRISTENSEN CYNDIE	3464	KELVIN	AVE N LAKE ELMO	55042	1402921320013	\$	2,900.00	
5	ROGERS WILLIAM J & JUDY D	3490	KELVIN	AVE N LAKE ELMO	55042	1402921320012	\$	2,900.00	
6	LINDER ALBERT R & JUDITH A	3508	KELVIN	AVE N LAKE ELMO	55042	1402921320019	\$	2,900.00	
7	SCHILTGREN ROBERT J TRS & MARY J HOGAN-SCHILTGREN TR	3509	KELVIN	AVE N LAKE ELMO	55042	1402921240011	\$	2,900.00	
8	PAULSON DONALD V & PHYLLIS K	3533	KELVIN	AVE N LAKE ELMO	55042	1402921240007	\$	11,900.00	
9	KASK EARLE L & FREYA L	3551	KELVIN	AVE N LAKE ELMO	55042	1402921240009	\$	11,900.00	
10	LOOS DAVID S & WENDY	3567	KELVIN	AVE N LAKE ELMO	55042	1402921240010	\$	11,900.00	
11	GROPPOLI JUSTIN	3597	KELVIN	AVE N LAKE ELMO	55042	1402921240008	\$	11,900.00	
12	CURRAN PATRICK A & DIANE J	3607	KELVIN	AVE N LAKE ELMO	55042	1402921240012	\$	11,900.00	
							TOTAL	\$	82,700.00

STREET IMPROVEMENTS
KIRKWOOD AVENUE NORTH
FINAL ASSESSMENT ROLL

NO.	NAME	ADDRESS				PID	AMOUNT
1	TRS ANTHONY P MANZARA	5050	KIRKWOOD	AVE N	LAKE ELMO	55042 0202921430002	\$ 11,700.00
2	WAYNE MAURICE HECTOR TRS ETAL	5110	KIRKWOOD	AVE N	LAKE ELMO	55042 0202921430003	\$ 11,700.00
3	THOMPSON CARMEN M	5170	KIRKWOOD	AVE N	LAKE ELMO	55042 0202921430004	\$ 11,700.00
4	KRISTENSON ALLAN J & JACQUEL	5230	KIRKWOOD	AVE N	LAKE ELMO	55042 0202921430005	\$ 11,700.00
5	HESSE RICHARD D & ROSALIE M	5235	KIRKWOOD	AVE N	LAKE ELMO	55042 0202921420001	\$ 46,800.00
6	BASARA DOUGLAS J & ELIZABETH J	5300	KIRKWOOD	AVE N	LAKE ELMO	55042 0202921420002	\$ 11,700.00
7	LAATSCH JOHN M & MARY CANE LAATSCH	5760	KIRKWOOD	AVE N	LAKE ELMO	55042 0202921420003	\$ 11,700.00
						TOTAL	\$ 117,000.00

STREET IMPROVEMENTS
 STONEGATE 1ST ADDITION
 FINAL ASSESSMENT ROLL

NO.	NAME	ADDRESS	PID	AMOUNT
1	MONTEITH CURTIS & DEBRA	331 JULEP AVE N LAKE ELMO	55042 3402921230012	\$ 5,600.00
2	BETZ DOUG M & AMY M	371 JULEP AVE N LAKE ELMO	55042 3402921230013	\$ 5,600.00
3	CITY OF LAKE ELMO	750 JASMINE AVE N LAKE ELMO	55042 3402921230002	\$ 5,600.00
4	HOHENWALD MARK	755 JASMINE AVE N LAKE ELMO	55042 3402921230010	\$ 5,600.00
5	YANG KAY	770 JASMINE AVE N LAKE ELMO	55042 3402921230005	\$ 5,600.00
6	MORREALE JAY B & PAMELA J PETER	785 JASMINE AVE N LAKE ELMO	55042 3402921230009	\$ 5,600.00
7	WALLRICH TIMOTHY W & MARILEE A	790 JASMINE AVE N LAKE ELMO	55042 3402921230016	\$ 5,600.00
8	HENDERSON RANDALL T & GLORIA A	820 JASMINE AVE N LAKE ELMO	55042 3402921230015	\$ 5,600.00
9	INTIHAR KEVIN & WINDY	829 JASMINE AVE N LAKE ELMO	55042 3402921230006	\$ 5,600.00
10	LANCETTE MICHAEL & KATHLEEN	832 JASMINE AVE N LAKE ELMO	55042 3402921220010	\$ 5,600.00
11	BONFE ANTHONY W & MARY E	854 JASMINE AVE N LAKE ELMO	55042 3402921220009	\$ 5,600.00
12	SKARDA JAMES R & PATRICIA L	868 JASMINE AVE N LAKE ELMO	55042 3402921220008	\$ 5,600.00
13	YANG DAO G & NALY T	974 JASMINE AVE N LAKE ELMO	55042 3402921220001	\$ 5,600.00
14	JOHNSON GEORGE N & MARY JAN	867 JASMINE AVE PL N LAKE ELMO	55042 3402921220011	\$ 5,600.00
15	LARSON SEAN D & LINDA M	871 JASMINE AVE PL N LAKE ELMO	55042 3402921230007	\$ 5,600.00
16	KOLLER DANIEL G & BARBARA M	873 JASMINE AVE PL N LAKE ELMO	55042 3402921230008	\$ 5,600.00
17	JOHN M & KRISTINA W HEILI TRS	875 JASMINE AVE PL N LAKE ELMO	55042 3402921240002	\$ 5,600.00
18	FITZGERALD THOMAS & MARY	877 JASMINE AVE PL N LAKE ELMO	55042 3402921240001	\$ 5,600.00
19	OLSON ROBBI J & JILL M	881 JASMINE AVE PL N LAKE ELMO	55042 3402921210003	\$ 5,600.00
20	2015-3 IHA BORROWER LP	883 JASMINE AVE PL N LAKE ELMO	55042 3402921210010	\$ 5,600.00
21	LEARN JAMES W JR & JOAN E	887 JASMINE AVE PL N LAKE ELMO	55042 3402921210009	\$ 5,600.00
22	SHERRITT BRUCE C & MICHELLE M	9023 9TH ST N LAKE ELMO	55042 3402921220004	\$ 5,600.00
23	STADICK DANIEL P & JEANNE M	9034 9TH ST N LAKE ELMO	55042 3402921220003	\$ 5,600.00
24	MILNAR GREGORY B & BEVERLY B	9073 9TH ST N LAKE ELMO	55042 3402921220005	\$ 5,600.00
25	VU MAIXI & TCHUNENG	9106 9TH ST N LAKE ELMO	55042 3402921220002	\$ 5,600.00
26	NELSON DAVID M & MARYBETH H	9123 9TH ST N LAKE ELMO	55042 3402921220006	\$ 5,600.00
27	TAYLOR KRISTINA J	9179 9TH ST N LAKE ELMO	55042 3402921220007	\$ 5,600.00
28	MONICO GINO A & PEGGI A	9251 9TH ST N LAKE ELMO	55042 3402921210008	\$ 5,600.00
29	ISRAELSON RONALD J & COLLEEN A	9314 9TH ST N LAKE ELMO	55042 3402921210004	\$ 5,600.00
30	SMORCH TERRANCE M	9323 9TH ST N LAKE ELMO	55042 3402921210007	\$ 5,600.00
31	MITCHELL SMISEK SUPP NEEDS TRS	9386 9TH ST N LAKE ELMO	55042 3402921210005	\$ 5,600.00
32	MEYER DALE J & GERNES-MEYER & BERNIECE L GERNES-ME	9391 9TH ST N LAKE ELMO	55042 3402921210006	\$ 5,600.00
33	MOREY DARRELL W & CHARLOTTE	2749 HENSLOW AVE OAKDALE	55128 3402921220012	\$ 5,600.00
TOTAL				\$ 184,800.00