



STAFF REPORT

DATE: October 16, 2018

PUBLIC HEARING

ITEM # 19

AGENDA ITEM: 2018 Street Improvements – Assessment Hearing on Improvements and Adopting the Final Assessment Roll

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Sue Iverson, Finance Director
Sarah Sonsalla, City Attorney
Chad Isakson, Project Engineer

ISSUE BEFORE COUNCIL: Should the City Council hold the final assessment hearing for the 2018 Street Improvements and, after closing the hearing, adopt the final assessment roll?

BACKGROUND: On September 18, 2018, 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 2018 Street Improvements. Mailed notice has been provided to each assessed property and notice of the public hearing has been published in the local paper.

PROPOSAL DETAILS/ANALYSIS: Pursuant to Minnesota Statutes, Section 429 the Council must declare the 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 Final Assessment Roll which must be certified to the County Auditor by November 30, 2018.

The Final Assessment Roll has been calculated based on the estimated final project cost to completion and in accordance with the City's Special Assessment Policy. The estimated final total project cost at completion is \$1,252,000; an increase over the feasibility report cost of \$1,229,000. The table below summarizes the preliminary unit assessment from the feasibility report and the proposed final unit assessment.

In accordance with the assessment policy there are two properties along the project that are being assessed 50% of the unit assessment because they have a driveway access to two different streets and will be assessed for improvements to each street project. Two other properties are proposed to be assessed 2 unit assessments because the properties could be subdivided under their current zoning and land use designations. The attached final assessment roll details the proposed assessment for each parcel.

The estimated total project cost is \$1,252,000. The tables below summarize the preliminary unit assessments from the feasibility report and the proposed final unit assessments based on total project costs and the Adopted Feasibility Report recommendations. The attached final assessment roll details the proposed assessment for each parcel. In accordance with the City assessment policy there is one property along the project that is being assessed 50% of the unit assessment because they have a driveway access to two different streets and will be assessed for improvements to each street project. One other property is proposed to be assessed 2-unit assessments because the property could be subdivided under their current zoning and land use designations.

Table 1: Assessment Comparison

	Feasibility Report Unit Assessment	Proposed Final Unit Assessment
2018 Streets Improvements – <i>(Residential Properties)</i>	\$5,000	\$5,000

*Assessments for street improvements are being levied over 15 years.

FISCAL IMPACT: The total project cost is \$1,252,000 with \$377,500 paid through special assessments and the remaining \$874,500 paid through the general tax levy. Holding the final assessment hearing follows state statute for assessing benefitting properties and adopting the final assessment roll finalizes the special assessments to be levied for the improvements.

RECOMMENDATION: Staff is recommending that the City Council approve a resolution Adopting the Final Assessment Roll for the 2018 Street Improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2018-118, Adopting the Final Assessment Roll for the 2018 Street Improvements.”

ATTACHMENTS:

1. Resolution Adopting the Final Assessment Roll on Street Improvements.
2. Notice of Hearing on Proposed Assessment.
3. Final Assessment Roll.

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

**RESOLUTION NO. 2018-118
A RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL FOR
THE 2018 STREET 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 2018 Street Improvements including street, drainage and utility improvements of Jane Road North from Lake Jane Trail North to Jamaca Avenue North, Jane Court North from Jane Road North to end of cul-de-sac, Jamaca Avenue North from Jane Road North to Jamaca Avenue North, Jerome Avenue North from 49th Street North to 53rd Street North, Jerome Avenue Court North from Jerome Avenue North to end of cul-de-sac, and 53rd Street North from Jamaca Boulevard North to 9480 53rd Street North.

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 15 years, the first of the installments to be payable on or before the first Monday in January 2019, and shall bear interest at the rate of 4.00% 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, 2018. 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 SIXTEENTH DAY OF OCTOBER,
2018.**

CITY OF LAKE ELMO

(Seal)
ATTEST:

By: _____
Mike Pearson
Mayor

Julie Johnson
City Clerk

**CITY OF LAKE ELMO
NOTICE OF HEARING ON PROPOSED ASSESSMENT
2018 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 16, 2018, to consider, and possibly adopt, the proposed assessment against abutting property for the 2018 Street Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following describes the area proposed to be assessed:

Street and drainage improvements including a new bituminous pavement supported by a renewed recycled aggregate base with new concrete curb and gutter, and a repair or restoration of the existing street drainage system for the following streets:

- Jane Road North, from Lake Jane Trail North to Jamaca Avenue North.
- Jane Court North, from Jane Road North to end of cul-de-sac.
- Jamaca Avenue North, from Jane Road North to Jamaca Avenue North.
- Jerome Avenue North, from 49th Street North to 53rd Street North.
- Jerome Avenue Court North, from Jerome Avenue North to end of cul-de-sac.
- 53rd Street North, from Jamaca Boulevard North to 9480 53rd Street North.

You may at any time prior to certification of the assessment to the county auditor on November 15, 2018, 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 within 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 October 31 (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 4.00 percent per year.

Once assessments are certified to the County, the assessments are payable in equal annual installments extending over a period of 15 years for street and drainage improvements, the first of the installments to be payable on or before the first Monday in January 2019 and will bear interest at the rate of 4.00 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, 2018. 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 \$377,500. The City contribution for the overall improvement project is \$874,500. 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 18, 2018

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on September 26, 2018)

NO.	NAME	ADDRESS	MAILING ADDRESS	PID	AMOUNT
JANE ROAD N: LAKE JANE TRAIL N TO JAMACA AVE N					
1	TRS AGR JEFFERY & LEEANN LEITC	9025 JANE RD N	9025 JANE RD N LAKE ELMO MN 55042	1002921220003	\$5,000.00
2	BRASH JASON M & TARA M	9030 JANE RD N	9030 JANE RD N LAKE ELMO MN 55042	1002921220010	\$5,000.00
3	KENNEDY KIRBY A & MARILYN J	9051 JANE RD N	9051 JANE RD N LAKE ELMO MN 55042	1002921220014	\$5,000.00
4	HOMNICK PAUL & KATELYNN KEIR	9060 JANE RD N	9060 JANE RD N LAKE ELMO MN 55042	1002921220009	\$5,000.00
5	THOMPSON JAMES E & DENISE M EL	9077 JANE RD N	9077 JANE RD N LAKE ELMO MN 55042	1002921220015	\$5,000.00
6	MECHELKE RENEE F	9090 JANE RD N	9090 JANE RD N LAKE ELMO MN 55042	1002921220008	\$5,000.00
7	ZITON DEXTER J & TONI E	9109 JANE RD N	9109 JANE RD N LAKE ELMO MN 55042	1002921220004	\$5,000.00
8	BAUERFELD WARREN JR & BARBARA	9112 JANE RD N	9112 JANE RD N LAKE ELMO MN 55042	1002921220017	\$5,000.00
9	O'SULLIVAN BASIL J JR	9133 JANE RD N	9133 JANE RD N LAKE ELMO MN 55042	1002921220006	\$5,000.00
10	SINGER DONALD R & LORETTA L	9161 JANE RD N	9161 JANE RD N LAKE ELMO MN 55042	1002921220005	\$5,000.00
11	KLECKER KATHRYN IRV TRS	9199 JANE RD N	9199 JANE RD N LAKE ELMO MN 55042	1002921220002	\$5,000.00
12	QUINN LISA J & TERENCE S	9220 JANE RD N	9220 JANE RD N LAKE ELMO MN 55042	1002921220019	\$5,000.00
13	MARTIN DOROTHY L	9233 JANE RD N	9233 JANE RD N LAKE ELMO MN 55042	1002921220001	\$5,000.00
14	OLSEN BRIAN R & DEANA M	9287 JANE RD N	9287 JANE RD N LAKE ELMO MN 55042	1002921210003	\$5,000.00
15	DROMMERHAUSEN SCOTT A & JULIE	9359 JANE RD N	9359 JANE RD N LAKE ELMO MN 55042	1002921240006	\$5,000.00
16	OFFORD DAVID R & HEIDE M	9369 JANE RD N	9369 JANE RD N LAKE ELMO MN 55042	1002921240007	\$5,000.00
17	TRAN NANG TRI & THU HUONG	9393 JANE RD N	7970 DEMONTREVILLE TRL N LAKE ELMO MN 55042	1002921240008	\$5,000.00
18	VANDEMMELETRAADT MARK & SHARON	9397 JANE RD N	9399 JANE RD N LAKE ELMO MN 55042	1002921240009	\$5,000.00
19	KOREN CHRISTOPHER	9406 JANE RD N	9406 JANE RD N LAKE ELMO MN 55042	1002921240020	\$5,000.00
20	FOSTER DOUGLAS A & JILL M	9409 JANE RD N	9409 JANE RD N LAKE ELMO MN 55042	1002921240010	\$5,000.00
21	HAMERLY JOHN P & LAURIE J	9429 JANE RD N	9429 JANE RD N LAKE ELMO MN 55042	1002921240011	\$5,000.00
22	VOSBERG DARYL E & HEIDY M	9436 JANE RD N	9436 JANE RD N LAKE ELMO MN 55042	1002921240033	\$5,000.00
23	KIMLINGER GARY P & REBECCA L	9461 JANE RD N	9461 JANE RD N LAKE ELMO MN 55042	1002921240013	\$5,000.00
24	HEROFF GERALD S JR & LISA M	9477 JANE RD N	9477 JANE RD N LAKE ELMO MN 55042	1002921240012	\$5,000.00
25	AARON R & JESSICA A RUNK LIV T	9497 JANE RD N	9497 JANE RD N LAKE ELMO MN 55042	1002921240015	\$5,000.00
26	FUHRMAN MARINA	9498 JANE RD N	9498 JANE RD N LAKE ELMO MN 55042	1002921240032	\$5,000.00
JANE COURT N: JANE ROAD N TO DEAD END					
27	DEGERSTROM JAMES & ROSE STARK	9260 JANE CT N	9260 JANE CT N LAKE ELMO MN 55042	1002921210017	\$5,000.00
28	SCHOONOVER GARY W & GRACE	9317 JANE CT N	9317 JANE CT N LAKE ELMO MN 55042	1002921210006	\$5,000.00
29	HAU DONALD M & VALERIE SUE	9330 JANE CT N	9330 JANE CT N LAKE ELMO MN 55042	1002921210008	\$5,000.00
30	MORGAN SPENCER L & DAVID H	9337 JANE CT N	9337 JANE CT N LAKE ELMO MN 55042	1002921210005	\$5,000.00
31	CREPEAU ALIXANDRA & ERIC POPPE	9357 JANE CT N	9357 JANE CT N LAKE ELMO MN 55042	1002921210004	\$5,000.00
32	BENESCH GREGORY P	9377 JANE CT N	9377 JANE CT N LAKE ELMO MN 55042	1002921240027	\$5,000.00
33	FORSTER STEVEN C & JANE E	9397 JANE CT N	9397 JANE CT N LAKE ELMO MN 55042	1002921240026	\$5,000.00
34	WALFOORT MICHAEL R	9407 JANE CT N	9407 JANE CT N LAKE ELMO MN 55042	1002921240025	\$5,000.00
35	VINCENT M HARNICK TRS	9417 JANE CT N	9417 JANE CT N LAKE ELMO MN 55042	1002921240024	\$5,000.00
36	COLIANNI JOSEPH W & MARSHA K	9427 JANE CT N	9427 JANE CT N LAKE ELMO MN 55042	1002921240023	\$5,000.00
37	PAULSON THOMAS E & BONNIE J	9437 JANE CT N	9437 JANE CT N LAKE ELMO MN 55042	1002921240022	\$5,000.00
38	BURKHART DAVID & LISA ANDREW-BURKHART	9447 JANE CT N	9447 JANE CT N LAKE ELMO MN 55042	1002921240021	\$5,000.00
39	BURRESS PATRICK M & SHAWN M	9441 JANE CT N	9441 JANE CT N LAKE ELMO MN 55042	1002921240029	\$5,000.00
40	BARRERA SUSAN M	9420 JANE CT N	9420 JANE CT N LAKE ELMO MN 55042	1002921240031	\$10,000.00
SUBTOTAL					\$ 205,000.00

NO.	NAME	ADDRESS	MAILING ADDRESS	PID	AMOUNT
JAMACA AVE N: JANE ROAD N TO JAMACA AVE N					
41	KOSTICHKA STEVEN D & HILARY S	4940 JAMACA AVE N	4940 JAMACA AVE N LAKE ELMO MN 55042	0902921110017	\$5,000.00
42	HUOT PAUL F & JEANINE E	4955 JAMACA AVE N	4955 JAMACA AVE N LAKE ELMO MN 55042	1002921220011	\$5,000.00
43	MAXEY JOSEPH D & PATRICIA M	4960 JAMACA AVE N	4960 JAMACA AVE N LAKE ELMO MN 55042	0902921110018	\$5,000.00
44	JACKSON GERALD A & DEBRA A	4990 JAMACA AVE N	4990 JAMACA AVE N LAKE ELMO MN 55042	0902921110019	\$5,000.00
45	MARY QUANBECK BARBER TRS	4995 JAMACA AVE N	4995 JAMACA AVE N LAKE ELMO MN 55042	1002921220012	\$5,000.00
46	CODERRE JAMES C & CHERYL A	5020 JAMACA AVE N	5020 JAMACA AVE N LAKE ELMO MN 55042	0402921440003	\$5,000.00
47	CLAUDE E CYBULSKI TRS	5025 JAMACA AVE N	5025 JAMACA AVE N LAKE ELMO MN 55042	0302921330007	\$5,000.00
48	FOSSEY MITCHELL S & AMY B	5040 JAMACA AVE N	5040 JAMACA AVE N LAKE ELMO MN 55042	0402921440004	\$5,000.00
49	NEBUR MICHAEL J & LINDA S GILB	5055 JAMACA AVE N	5055 JAMACA AVE N LAKE ELMO MN 55042	0302921330008	\$5,000.00
50	ELIZABETH A PETERSON REV TRS	5060 JAMACA AVE N	5060 JAMACA AVE N LAKE ELMO MN 55042	0402921440005	\$5,000.00
51	RESEMIUS WILLIAM H & MARY B	5080 JAMACA AVE N	5080 JAMACA AVE N LAKE ELMO MN 55042	0402921440006	\$5,000.00
52	GROSS CHRISTOPHER L & KATHLEEN	5111 JAMACA BLVD N	5111 JAMACA BLVD N LAKE ELMO MN 55042	0302921330009	\$2,500.00
JEROME AVE N: 49TH ST N TO 53RD ST N					
53	TRS AGR FRIEDRICH & IWONA SRIENC	4955 JEROME AVE N	4955 JEROME AVE N LAKE ELMO MN 55042	1002921210023	\$5,000.00
54	MARTIN NAOMI J & DAVID	5055 JEROME AVE N	5055 JEROME AVE N LAKE ELMO MN 55042	0302921340006	\$5,000.00
55	WEBBER WALTER J & DORIS L	5080 JEROME AVE N	5080 JEROME AVE N LAKE ELMO MN 55042	0302921330016	\$5,000.00
56	KRAHN RICHARD R & ELEANOR L	5170 JEROME AVE N	5170 JEROME AVE N LAKE ELMO MN 55042	0302921330015	\$5,000.00
57	JEAN GRAY DUNBAR TRS AGR	5230 JEROME AVE N	5230 JEROME AVE N LAKE ELMO MN 55042	0302921340005	\$5,000.00
58	AMUNDSON RODNEY E & CAROL F	5277 JEROME AVE N	5277 JEROME AVE N LAKE ELMO MN 55042	0302921340013	\$5,000.00
JEROME AVE CT N: JEROME AVE N TO DEAD END					
59	KROUSE RUSHFORD W & MARY W	5217 JEROME AVE CT N	5217 JEROME AVE CT N LAKE ELMO MN 55042	0302921340007	\$5,000.00
60	GRAVES CHARLES W & CAROL A	5227 JEROME AVE CT N	5227 JEROME AVE CT N LAKE ELMO MN 55042	0302921340008	\$5,000.00
61	ABBOTT MICHAEL W & MARIANNE M	5237 JEROME AVE CT N	5237 JEROME AVE CT N LAKE ELMO MN 55042	0302921340009	\$5,000.00
62	MELIN GARY R & ELIZABETH	5247 JEROME AVE CT N	5247 JEROME AVE CT N LAKE ELMO MN 55042	0302921340010	\$5,000.00
63	MONSON FAMILY LIVING TRS	5257 JEROME AVE CT N	5257 JEROME AVE CT N LAKE ELMO MN 55042	0302921340011	\$5,000.00
64	SPOFFORD NEIL K & MARGARET A	5267 JEROME AVE CT N	5267 JEROME AVE CT N LAKE ELMO MN 55042	0302921340012	\$5,000.00
53RD STREET: JAMACA BLVD N TO 9480 53RD ST N					
65	CITY OF LAKE ELMO		3880 LAVERNE AVE N LAKE ELMO MN 55042	0302921330001	\$10,000.00
66	FANG RICHARD S & MARY K	9220 53 RD ST N	PO BOX 73 LAKE ELMO MN 55042	0302921310006	\$5,000.00
67	ALME DENNIS F & COLLEEN C	9280 53 RD ST N	9280 53 RD ST N LAKE ELMO MN 55042	0302921340003	\$5,000.00
68	CROSS SUE E	9287 53 RD ST N	9287 53 RD ST N LAKE ELMO MN 55042	0302921340004	\$5,000.00
69	JOHN W THATCHER TRS & LAVERNE	9320 53 RD ST N	9320 53 RD ST N LAKE ELMO MN 55042	0302921340002	\$5,000.00
70	EDITH JOAN NICHOLSON TRS	9355 53 RD ST N	9355 53 RD ST N LAKE ELMO MN 55042	0302921340014	\$5,000.00
71	WEGWERTH RUSSELL W & JANA L	9377 53 RD ST N	9377 53 RD ST N LAKE ELMO MN 55042	0302921340015	\$5,000.00
72	PETERSON DALE D & JACLYN G	9380 53 RD ST N	9380 53 RD ST N LAKE ELMO MN 55042	0302921340001	\$5,000.00
73	HINIKER JAMES & KATHRYN ROBERT	9400 53 RD ST N	9400 53 RD ST N LAKE ELMO MN 55042	0302921310005	\$5,000.00
74	OSMUNDSON MICHAEL H & LINDA M ARMSTRONG	9440 53 RD ST N	9440 53 RD ST N LAKE ELMO MN 55042	0302921310004	\$5,000.00
SUBTOTAL: PAGE 2					\$ 172,500.00
SUBTOTAL: PAGE 1					\$ 205,000.00
TOTAL ASSESSMENTS					\$ 377,500.00