



STAFF REPORT

DATE: July 17, 2018

REGULAR

ITEM # 15

AGENDA ITEM: Eagle Point Blvd 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, Assistant City Engineer

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

BACKGROUND: On June 19, 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 Eagle Point Boulevard Street Improvements. Mailed notice has been provided to each assessed property and notice of the public hearing has been published in the local paper.

The Eagle Point Boulevard Street Improvements project had a final completion date of February 7, 2017. All project costs have been accounted for and are summarized below. The project is being 100% assessed to the benefitting properties due to the area being within a commercial district.

PROPOSAL DETAILS/ANALYSIS: 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 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 final project costs and in accordance with the City's Special Assessment Policy. The final total project cost, at completion, is \$1,344,000; down from the feasibility report cost of \$1,351,000. The attached final assessment roll details the proposed assessment for each parcel.

Assessments are being levied over 10 years at the rate of 4.30 percent for this project.

FISCAL IMPACT: The total project cost is \$1,344,000 with \$1,182,900 paid through special assessments, \$99,000 paid directly by Inwood 10, LLC for sanitary sewer improvements, and the remaining \$62,100 paid through the Water Enterprise Fund. 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 Eagle Point Boulevard Street Improvements. The recommended motion for the action is as follows:

“Move to approve Resolution No. 2018-075; Adopting the Final Assessment Roll for the Eagle Point Boulevard 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. 2018-075
A RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL FOR
THE EAGLE POINT BLVD – 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 Eagle Point Boulevard Street Improvements consisting of the reconstruction of Eagle Point Boulevard from Inwood Avenue to Hudson Boulevard with a sand subbase, draitile, new concrete curb and gutter and extension of the existing storm sewer.

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, 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 4.30% 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 SEVENTEENTH DAY OF JULY, 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
EAGLE POINT BLVD – 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, July 17, 2018, to consider, and possibly adopt, the proposed assessment against benefitting property for the Eagle Point Boulevard 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 improvements completed along Eagle Point Boulevard from Inwood Avenue to Hudson Boulevard and consisted of the reconstruction of the existing street with a sand subbase, draitile, new concrete curb and gutter and extension of the existing storm sewer system.

You may at any time prior to certification of the assessment to the county auditor 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 November 15 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 4.30 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, 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 4.30 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 assessments is \$1,182,900. 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 may, in its discretion, defer the payment of this 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. 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: June 19, 2018

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

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