



STAFF REPORT

DATE: May 19, 2020

REGULAR

AGENDA ITEM: Public Improvement Hearing; Approve Resolution Ordering the Improvement and the Preparation of Plans and Specifications for the Hamlet on Sunfish Lake Street and Utility Improvements

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Sarah Sonsalla, City Attorney
Marty Powers, Public Works Director
Chad Isakson, Assistant City Engineer

ISSUE BEFORE COUNCIL: The City Council is respectfully requested to open the Public Improvement Hearing for the Hamlet on Sunfish Lake Street and Utility Improvements; and following the Hearing, consider adopting a Resolution Ordering the Improvement and the Preparation of Plans and Specifications.

BACKGROUND: Pursuant to Minnesota Statutes, Section 429.011 to 429.111, a Public Improvement Hearing was noticed for May 19, 2020, to consider making the improvements necessary to extend municipal water into the Hamlet on Sunfish Lake neighborhood to provide clean drinking water to each of the 41 homes, including water system improvements, repair and replacement work to the HOA sanitary sewer collection system, and reconstruction of the public streets.

The attached notice was published in the official newspaper and individual notifications were sent to each address that will be wholly or partially assessed for the improvements. A feasibility report was adopted by the City Council on April 21, 2020 in order to ready these improvements for 2021 construction. The feasibility report is needed to meet state statutory requirements if any portion of the project is to be assessed. The report identifies the necessary improvements, the estimated project costs, the assessment methodology and preliminary assessment amounts to be levied against benefitting properties.

The City of Lake Elmo was approved to receive grant funding from the Minnesota Pollution Control Agency (MPCA) under the 2018 3M Settlement Agreement as an expedited project to extend municipal water and connect each of the 41 homes. The grant is in the not to exceed amount of \$2,712,200 and includes the public and private water system improvements, and the street and drainage improvements. The terms of the grant are outlined in the Grant Agreement between the City of Lake Elmo and the MPCA dated February 4, 2020. The neighborhood is located in a Special Well Construction Area (SWCA) as designated by the Minnesota Department of Health (MDH) after the discovery of PFAS groundwater contamination and many of the properties have received well advisories from the MDH and are currently having their water supply treated using GAC filters supplied by the State.

PROPOSAL DETAILS/ANALYSIS: The Hamlet on Sunfish Lake Street and Utility Improvement project will extend municipal water into the neighborhood to provide clean drinking water to each of the 41 homes. Sanitary sewer repair and replacement work will also be incorporated into the project prior to reconstructing the public streets. Sewer repair and replacement work was identified to be completed after cleaning and televising the full length of the existing HOA owned and operated sanitary sewer system in anticipation of the city assuming ownership and maintenance. Following the watermain installation and

sanitary sewer work, the public streets will be reconstructed together with the installation of drain tile and concrete curb and gutter.

As part of the Grant Agreement with the MPCA, all households in the development, regardless of Health Based Values (HBVs), are required to connect to municipal water and to have the private wells properly sealed and abandoned as part of the project and within the timeframe of the grant agreement. To implement these State requirements for the project the city intends to levy assessments for the public watermain and street and storm sewer improvements in accordance with the city's Special Assessment Policy and current practices. Each property will be required to connect to city water and abandon all private wells, unless exempted by the MPCA as a monitoring well, within one year after water service is made available and following written notice from the city to connect. Once the private improvements are completed, the public watermain, and street and storm sewer improvement assessments levied for this project will be fully or partially reduced based on the grant amount applied by the state. This assessment relief does not apply to the sanitary sewer repair and replacement work.

The total estimated project cost is \$3,970,600. The proposed public watermain assessment is \$22,500 for each of the 41 residential properties based on assessing 100% of the public watermain improvements on a per REC basis. The proposed street and storm sewer assessment is \$12,800 for each of the 41 residential properties based on assessing 30% of the street and storm sewer costs on a per unit basis. The sanitary sewer repair and correction work will be funded directly by the Hamlet on Sunfish HOA, or may be wholly or partially assessed against each property in the Hamlet on Sunfish Lake subdivision if approved by the city council.

The preliminary assessment rolls detailing each property's proposed assessment amount are included in the Appendix of the report. Assessments for street and drainage improvements will be levied over a 15-year period. Assessments for new watermain improvements will be levied over a 20-year period. All assessments that are not waived and removed from the property will be charged an interest rate of 1% over the bond rate for the project.

FISCAL IMPACT: The total estimated project cost is \$3,970,600. This includes \$921,000 for the public watermain improvements, \$775,000 (or \$620,000 option 1) for the sanitary sewer repair and replacement, \$1,740,000 for the street and drainage improvements, and \$534,600 for the private water service connections/well sealing improvements. All improvements, except for the sanitary sewer repair and replacement work, will be funded through a grant from the MPCA under the 2018 3M Settlement Agreement as an expedited project, and in accordance with the MPCA-Lake Elmo Grant Agreement dated February 4, 2020. The sanitary sewer repair and replacement work is being funded 100% by the 41 properties in the Hamlet on Sunfish Lake subdivision and is not grant eligible. Should the sewer pipe be oversized as recommended the oversizing costs will be funded through the City's Sewer Enterprise Fund.

The city will contract for the public watermain, and street and storm sewer improvements located within the public right-of-way, make payment to the contractors and submit invoices for reimbursement through the MPCA Grant. The City intends to use fund reserves for the public improvements to pay the up-front project costs and to cover any city cost participation. Project invoices will be periodically submitted to the MPCA for grant reimbursement in accordance with the terms of the grant agreement. The private water service connection and well sealing work will be contracted separately by each individual property owner. Eligible private property costs will be paid from the MPCA Grant on a reimbursement basis through the city. This reimbursement applies to the contractor costs to install the water service line from the right-of-way to the home connection, the costs to abandon the private well(s) on the property, and all permit fees including a \$3,000 Water Availability Charge (WAC), a \$1,000 Water Connection Charge, a \$430 Meter Fee, and a \$60 Plumbing Permit Fee. If the property currently has a granular activated carbon (GAC) treatment system, the removal of the system from the home will also be reimbursed.

RECOMMENDATION: Staff is recommending that the City Council adopt a Resolution Ordering the Improvements (4/5th vote required) and the Preparation of Plans and Specifications for the Hamlet on

Sunfish Lake Street and Utility Improvements as outlined in the Feasibility Report approved on April 21, 2020. The recommended motion for this action is as follows:

“Move to adopt Resolution No. 2020-054 Ordering the Hamlet on Sunfish Lake Street and Utility Improvements (4/5th vote required) and the Preparation of Plans and Specifications as outlined in the Feasibility Report approved on April 21, 2020.”

ATTACHMENTS:

1. Resolution Ordering the Improvements and Preparation of Plans and Specifications.
2. Notice of Hearing on Improvement.
3. Preliminary Assessment Roll.
4. Hamlet on Sunfish Lake Street and Utility Improvements – Location Map.
5. Hamlet on Sunfish Lake Street and Utility Improvements – Project Schedule.

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

RESOLUTION NO. 2020-054

**A RESOLUTION ORDERING THE IMPROVEMENT AND
PREPARATION OF PLANS AND SPECIFICATIONS FOR THE
HAMLET ON SUNFISH LAKE STREET AND UTILITY IMPROVEMENTS**

WHEREAS, pursuant to city council authorization, adopted on February 18, 2020, a feasibility report has been prepared by FOCUS Engineering, Inc. for the Hamlet on Sunfish Lake Street and Utility Improvements; and

WHEREAS, ten days mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 19th day of May 2020, at which all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the feasibility report prepared by FOCUS Engineering, Inc., and dated April 2020 states that the project is necessary, cost-effective, and feasible.

NOW, THEREFORE, BE IT RESOLVED,

1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report dated April 2020.
2. Such improvement is hereby ordered as proposed in the council resolution adopted this 19th day of May, 2020.
3. The city engineer is hereby designated as the engineer for making this improvement. The engineer, and his consultants, shall oversee the preparation of the Plans and Specifications for the making of such improvement.
4. The city engineer shall retain the services of a consulting engineering firm to assist, where needed, to prepare Plans and Specifications for the making of such improvement and to assist the city engineer during the construction phase of the improvement as requested.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE NINETEENTH DAY OF MAY, 2020.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Julie Johnson
City Clerk

**CITY OF LAKE ELMO
NOTICE OF HEARING ON IMPROVEMENT
HAMLET ON SUNFISH LAKE STREET AND UTILITY IMPROVEMENTS**

Notice is hereby given that the City Council of Lake Elmo will conduct a public hearing on **Tuesday, May 19, 2020**, at or approximately after 7:00 P.M. to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The extension of municipal water into the Hamlet on Sunfish Lake subdivision to provide clean drinking water to each of the 41 homes located in the neighborhood including a water service stub to the public right-of-way, and repair and replacement work to the HOA sanitary sewer collection system. Following the watermain and sanitary sewer utility work, the public streets in the neighborhood, including Kindred Way North and Kindred Court North will be reconstructed with the installation of drain tile, a new bituminous surface and concrete curb and gutter.

The hearing will be conducted by electronic means pursuant to Minnesota Statutes Section 13D.021 because of the COVID-19 pandemic. The meeting can be viewed online by going to the City's website (<http://www.lakeelmo.org/>). Instructions for participating in the meeting via computer will be posted on the City's website prior to the meeting. During the meeting the city will also be accepting call-ins at 213.929.4212, access code 569-187-751. Comments can also be provided prior to the meeting which will be presented to the council. Written comments prior to the meeting must be sent to Julie Johnson, City Clerk (jjohnson@lakeelmo.org) or voicemails left at (651.747.3914) prior to the meeting.

The area proposed to be assessed for the watermain improvements include each of the 41 properties located in the Hamlet on Sunfish subdivision that will be receiving access to connect to city water, and the area proposed to be assessed for the street and storm sewer improvements include each of the 41 properties that gain direct driveway access from the above referenced streets to be improved as part of this project. The estimated total cost for the project is \$3,970,600. A reasonable estimate of the impact of the assessments will be available at the hearing. Such persons as desiring to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: April 21, 2020

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

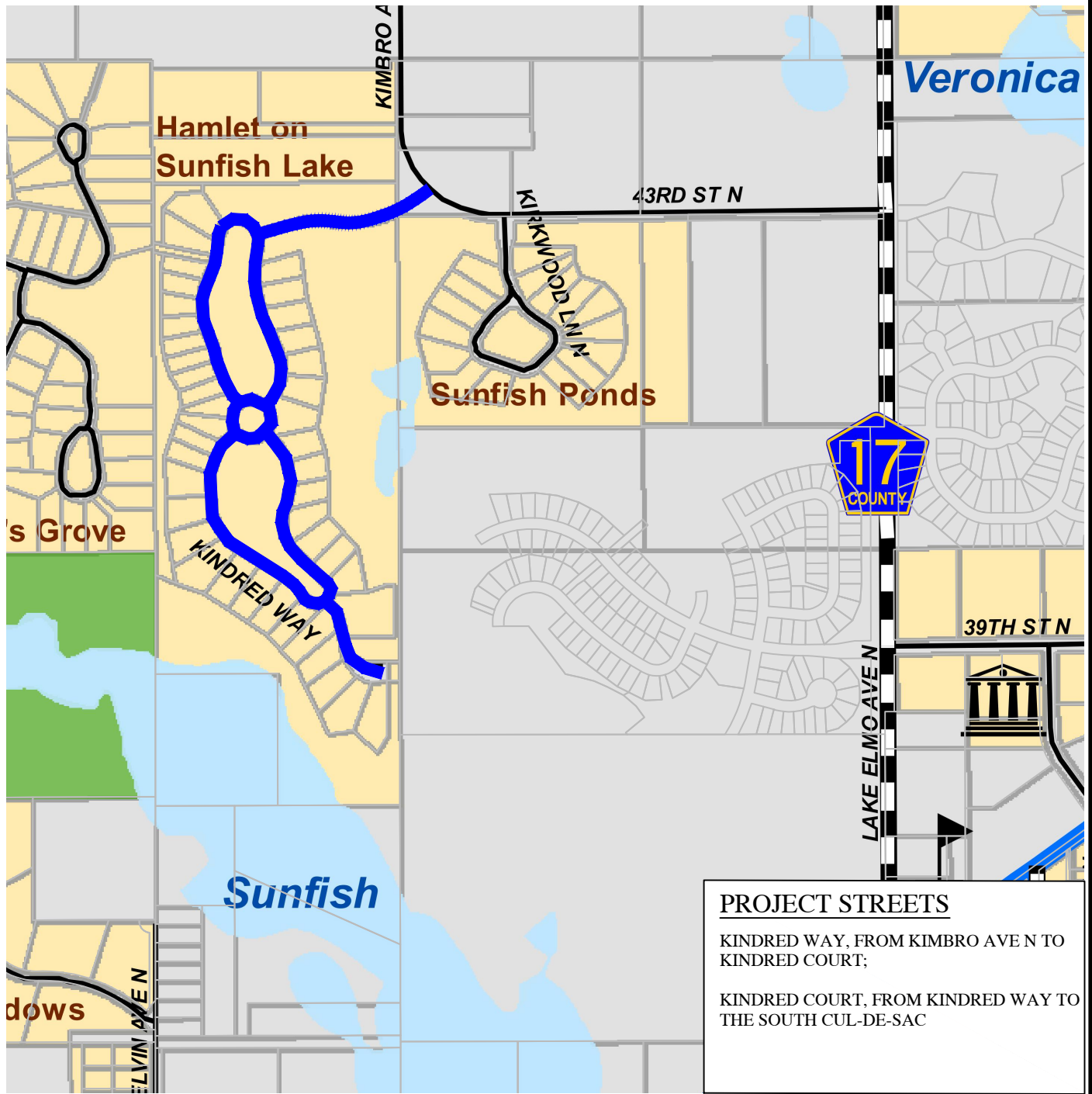
(Published in the Oakdale-Lake Elmo Review on April 24, 2020 and May 1, 2020)

HAMLET ON SUNFISH LAKE
PRELIMINARY ASSESSMENT ROLL
WATERMAIN ASSESSMENT

NO.	NAME	ADDRESS			MAILING ADDRESS					PID	WATERMAIN	
											ASSESSMENT	
											AMOUNT	
1	NIEDENFUER MICHAEL J & ASHLEY M HOLLENBACK	4276	KINDRED	WAY N	4276	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921310009	\$22,500
2	SULLIVAN MICHAEL & JENNA	4258	KINDRED	WAY N	4258	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921310010	\$22,500
3	WETTERSTROM WILLIAM R & JUDITH	4236	KINDRED	WAY N	4236	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921310011	\$22,500
4	GERALD G MARSOLEK & DAWN M MARSOLEK TRS	4212	KINDRED	WAY N	33840	S GARCIA	AVE #801	PORT ISABEL	TX	78578	1102921310012	\$22,500
5	ANDERSON THOMAS E & SUSANNA	4192	KINDRED	WAY N	4192	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921310013	\$22,500
6	BAUMEISTER ROBERT G & GENEVIEVE	4174	KINDRED	WAY N	4174	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340017	\$22,500
7	SKEIE MARK W & JANET M	4156	KINDRED	WAY N	4156	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340018	\$22,500
8	ROSEMARY A SCHUMACHER TRUST	4138	KINDRED	WAY N	4138	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340019	\$22,500
9	SCHLEUSNER JACQUELINE R	4120	KINDRED	WAY N	4120	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340020	\$22,500
10	HOWARD E WEGWERTH TRUST	4102	KINDRED	WAY N	4102	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340021	\$22,500
11	TENNANT ROBERT H	4076	KINDRED	WAY N	4076	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340022	\$22,500
12	MOLINE VERNON Z & BEVERLY J	4044	KINDRED	WAY N	4044	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340023	\$22,500
13	RICHARD C STOUT & ANN S STOUT REV TRUSTS	4020	KINDRED	WAY N	4020	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340024	\$22,500
14	THOEMKE JAMES & RUBY	4002	KINDRED	WAY N	4002	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340025	\$22,500
15	SUPAN CHRIS & ANDREA	3982	KINDRED	WAY N	3982	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340026	\$22,500
16	NARUM TIMOTHY N & PAMELA R	3960	KINDRED	WAY N	3960	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340027	\$22,500
17	LINDHOLM DOUGLAS A	3936	KINDRED	WAY N	3936	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340028	\$22,500
18	BURBACH MICHAEL J & ANNE M	3914	KINDRED	WAY N	3914	KINDRED	WAY N	LAKE ELMO	MN	55042	1402921210008	\$22,500
19	WALLACE FRANCIS J & EMMYLOU M	3890	KINDRED	WAY N	3890	KINDRED	WAY N	LAKE ELMO	MN	55042	1402921210009	\$22,500
20	HANSON FAMILY TRUST	3862	KINDRED	WAY N	15518	CAMINO ESTR	DR W	SURPRISE	AZ	85374	1402921210010	\$22,500
21	OLSON DOUGLAS E & ROBERTA J	3834	KINDRED	WAY N	3834	KINDRED	WAY N	LAKE ELMO	MN	55042	1402921210011	\$22,500
22	COOPER MATTHEW & NINA	3806	KINDRED	WAY N	3806	KINDRED	WAY N	LAKE ELMO	MN	55042	1402921210012	\$22,500
23	KELLY DENNIS E & JEAN S	4233	KINDRED	WAY N	4233	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921310007	\$22,500
24	KUMEROW TIMOTHY W	4207	KINDRED	WAY N	4207	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921310008	\$22,500
25	KINER SCOTT B & MARDELL L	4179	KINDRED	WAY N	4179	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340007	\$22,500
26	GRAVEN KRISTA K	4151	KINDRED	WAY N	4151	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340008	\$22,500
27	CARTER CHAD J & KRISTI M	4127	KINDRED	WAY N	4127	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340009	\$22,500
28	TONREY JAMES K JR & DANA J	4103	KINDRED	WAY N	4103	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340010	\$22,500
29	TUCKNER RONALD F & DEBORAH A	4075	KINDRED	WAY N	4075	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340011	\$22,500
30	GRUNDAHL TANYA A & LEIF S	4037	KINDRED	WAY N	4037	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340012	\$22,500
31	MILLER RUSSELL JOHN JR & ANN M	4009	KINDRED	WAY N	4009	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340013	\$22,500
32	HUBER EDWIN C & DARCI L SNYDER	3981	KINDRED	WAY N	3981	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340014	\$22,500
33	JACKELS THOMAS A & PAM E	3947	KINDRED	WAY N	3947	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340015	\$22,500
34	LAIER THOMAS D & VALERIE J	3899	KINDRED	WAY N	3899	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340016	\$22,500
35	DANNA LOUIS P JR & LEEANN M	3871	KINDRED	WAY N	3871	KINDRED	WAY N	LAKE ELMO	MN	55042	1402921210006	\$22,500
36	BUSS SCOTT T & STEPHANIE G	3849	KINDRED	WAY N	3849	KINDRED	WAY N	LAKE ELMO	MN	55042	1402921210007	\$22,500
37	BARWICK CHRISTY M & JOSEPH	3778	KINDRED	CT N	3778	KINDRED	CT N	LAKE ELMO	MN	55042	1402921210013	\$22,500
38	BESTLER DAVID C & SUSAN L	3756	KINDRED	CT N	3756	KINDRED	CT N	LAKE ELMO	MN	55042	1402921210014	\$22,500
39	LALONDE JOHN R & MALIN V	3736	KINDRED	CT N	3736	KINDRED	CT N	LAKE ELMO	MN	55042	1402921210015	\$22,500
40	TRS AGR JAN M JACOBSON	3720	KINDRED	CT N	3720	KINDRED	CT N	LAKE ELMO	MN	55042	1402921210016	\$22,500
41	KAJER RECE & KRISTIN	3704	KINDRED	CT N	3704	KINDRED	CT N	LAKE ELMO	MN	55042	1402921210017	\$22,500
TOTAL											\$922,500	

HAMLET ON SUNFISH LAKE
PRELIMINARY ASSESSMENT ROLL
STREET AND DRAINAGE IMPROVEMENTS

NO.	NAME	ADDRESS	MAILING ADDRESS							PID	STREET AND DRAINAGE ASSESSMENT AMOUNT
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9	SCHLEUSNER JACQUELINE R	4120 KINDRED WAY N	4120	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340020	\$12,800	
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25	KINER SCOTT B & MARDELL L	4179 KINDRED WAY N	4179	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340007	\$12,800	
26	GRAVEN KRISTA K	4151 KINDRED WAY N	4151	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340008	\$12,800	
27	CARTER CHAD J & KRISTI M	4127 KINDRED WAY N	4127	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340009	\$12,800	
28	TONREY JAMES K JR & DANA J	4103 KINDRED WAY N	4103	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340010	\$12,800	
29	TUCKNER RONALD F & DEBORAH A	4075 KINDRED WAY N	4075	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340011	\$12,800	
30	GRUNDAHL TANYA A & LEIF S	4037 KINDRED WAY N	4037	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340012	\$12,800	
31	MILLER RUSSELL JOHN JR & ANN M	4009 KINDRED WAY N	4009	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340013	\$12,800	
32	HUBER EDWIN C & DARCI L SNYDER	3981 KINDRED WAY N	3981	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340014	\$12,800	
33	JACKELS THOMAS A & PAM E	3947 KINDRED WAY N	3947	KINDRED	WAY N	LAKE ELMO	MN	55042	1102921340015	\$12,800	
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41	KAJER RECE & KRISTIN	3704 KINDRED CT N	3704	KINDRED	CT N	LAKE ELMO	MN	55042	1402921210017	\$12,800	
TOTAL										\$524,800	



PROJECT STREETS

KINDRED WAY, FROM KIMBRO AVE N TO KINDRED COURT;

KINDRED COURT, FROM KINDRED WAY TO THE SOUTH CUL-DE-SAC

LEGEND

 HAMLET ON SUNFISH LAKE

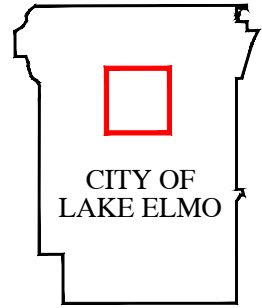


FIGURE NO. 1

LOCATION MAP

HAMLET ON SUNFISH NEIGHBORHOOD

FOCUS
ENGINEERING, inc.

HAMLET ON SUNFISH LAKE
STREET AND UTILITY
IMPROVEMENTS
PROJECT NO. 2019.125

PROJECT SCHEDULE
CITY OF LAKE ELMO

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
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HAMLET ON SUNFISH LAKE STREET AND UTILITY IMPROVEMENTS
PROJECT NO. 2019.125

FEBRUARY 4, 2020	Council Approves MPCA Grant Agreement for Hamlet on Sunfish Lake Extension of Muncipal Water.
FEBRUARY 18, 2020	Council orders preparation of Feasibility Report.
APRIL 21, 2020	Presentation of Feasibility Report. Council accepts Report and calls for Improvement Hearing.
MAY 19, 2020	Public Improvement Hearing. Council Orders the Improvement (4/5th Vote) and preparation of Plans and Specifications.
MARCH 2, 2021	Council approves Plans and Specifications and orders Advertisement for Bids.
APRIL 7, 2021	Project Bid Date: Receive contractor bids.
APRIL 20, 2021	Council accepts Bids and awards Contract.
MAY 25, 2021	Conduct Pre-Construction Meeting and issue Notice to Proceed. <ul style="list-style-type: none">• NOVEMBER 12, 2021 Substantial Completion.• DECEMBER 17, 2021 Final Completion.
MARCH 7, 2023	Declare Costs to be Assessed and Call for Hearing on Assessment.
APRIL 4, 2023	Final Assessment Hearing. Council adopts the Final Assessment Roll.