



STAFF REPORT

DATE: June 8, 2021

DISCUSSION

AGENDA ITEM: Commercial Assessment Review for Old Village Phase 5 and 6 Improvements

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Chad Isakson, Assistant City Engineer

ISSUE BEFORE COUNCIL: Should the city revise the assessment methodology or assessment amounts for the commercial properties for the Old Village Phase 5 and 6 Street and Utility Improvements?

BACKGROUND: On March 16, 2021 the city council held a public improvement hearing for the Old Village Phase 5 and 6 Street and Utility Improvements, after accepting the Feasibility Report at the February 16, 2021 council meeting. Following the hearing, the council passed a Resolution Ordering the Improvements and awarding a construction contract. The improvements include street and drainage improvements; watermain improvements; sanitary sewer improvements including new municipal sanitary sewer service to replace individual on-site septic systems; a reconstructed bituminous street with new concrete curb and gutter; and a repair or restoration of the existing street drainage system.

With this action, the preliminary assessment roll was adopted in accordance with the Feasibility report dated February 2021. However, after receiving public input regarding the applicability, assessment methodology and preliminary assessment amount for several commercial assessments along Upper 33rd Street North, the council directed staff to complete a review of all commercial assessments on the project prior to the adoption of the final assessment roll.

PROPOSAL DETAILS/ANALYSIS: In accordance with the City's Special Assessment Policy the city council has broad authority for determining the methodology and amount to be assessed to the benefitting properties for public improvement projects, as long as the Special Assessments are in accordance with Minnesota Statutes Chapter 429, and meet the following three criteria:

- The property must have received special benefit from the improvement.
- The amount of the assessment must not exceed the special benefit.
- The assessment must be uniform in relation to the same class of property within the assessment area.

It is important to recognize that the actual cost of extending an improvement past a particular parcel is not the determining factor in determining the amount to be assessed. However, in most cases the method for determining the value of the benefit received by the improvement, and therefore the amount to be assessed, shall be the cost of providing the improvement, as long as the cost does not exceed the increase in the market value of the property being assessed. While there is no perfect assessment policy, it is important that assessments be implemented in a reasonable, consistent manner.

At the workshop, staff will present preliminary assessment calculations using each of the applicable assessment methods outlined in the City's Special Assessment Policy to assist the council with determining how best to uniformly allocate the improvement costs to the benefitting commercial properties.

OPTIONS:

- 1) Make no changes to the Preliminary Assessment Roll adopted on March 16, 2021.
- 2) Direct staff to make changes to the assessments for the commercial properties when preparing the Final Assessment Roll for adoption, and specify the assessment methodology to be used.
- 3) Direct staff to prepare additional assessment review for continued discussion and review by council.

ATTACHMENTS:

- Preliminary Assessment Roll.
- Planning Department Review and Analysis of Commercial Properties along Upper 33rd Street N.
- Section I. General Policy Statement (pages 3 and 4 of the City's Special Assessment Policy).
- Section VI. Methods of Assessment (pages 14-16 of the City's Special Assessment Policy).

OLD VILLAGE PHASE 5 AND 6: STREET AND UTILITY IMPROVEMENTS
32ND STREET NEIGHBORHOOD
PRELIMINARY ASSESSMENT ROLL

NO.	NAME	ADDRESS	MAILING ADDRESS	PID	TOTAL ASSESSMENT AMOUNT	STREET AND DRAINAGE ASSESSMENT AMOUNT	STREET AND DRAINAGE IMPROVEMENT UNITS	COMMERCIAL PROPERTY STREET FRONT FOOTAGE	SANITARY SEWER ASSESSMENT AMOUNT	SAC
1	HORTTOR CAROLYN M SMITH		1959 PARK DR N MAPLEWOOD MN 55119	1302921330042	\$6,850.00	\$6,850.00	0.5		\$0.00	0
2	KNOWLAN AMY C & MATTHEW J	11075 32ND ST N	11075 32ND ST N LAKE ELMO MN 55042	1302921330022	\$26,200.00	\$13,700.00	1		\$12,500.00	1
3	BIEVER DOUGLAS & KELLY	11055 32ND ST N	11055 32ND ST N LAKE ELMO MN 55042	1302921330023	\$26,200.00	\$13,700.00	1		\$12,500.00	1
4	NEUMANN PAUL & NANCY	11033 32ND ST N	6908 27TH ST N OAKDALE MN 55128	1302921330024	\$26,200.00	\$13,700.00	1		\$12,500.00	1
5	MEHSIKOMER JOYCE H	11015 32ND ST N	PO BOX 47 LAKE ELMO MN 55042	1302921330026	\$26,200.00	\$13,700.00	1		\$12,500.00	1
6	SCHMOECKEL DAVID R & DARLENE B	10997 32ND ST N	1019 INSPIRATION PKY N BAYPORT MN 55003	1302921330027	\$38,700.00	\$13,700.00	1		\$25,000.00	2
7	MICHAEL G MCGRATH 2011 IRREV TRUST	10975 32ND ST N	4 ASCONA TERR IANCHO MIRAGI CA 92270	1402921440009	\$26,200.00	\$13,700.00	1		\$12,500.00	1
8	GUENTZEL JAKE A	10961 32ND ST N	10961 32ND ST N LAKE ELMO MN 55042	1402921440010	\$26,200.00	\$13,700.00	1		\$12,500.00	1
9	FINN MIKE J & DONNA M	10949 32ND ST N	10949 32ND ST N LAKE ELMO MN 55042	1402921440011	\$26,200.00	\$13,700.00	1		\$12,500.00	1
10	MARTIN DANIEL D	10941 32ND ST N	10941 32ND ST N LAKE ELMO MN 55042	1402921440012	\$26,200.00	\$13,700.00	1		\$12,500.00	1
11	BOHJANEN PAUL R & KIMBERLY A	10929 32ND ST N	1481 THORNHILL LN WOODBURY MN 55125	1402921440013	\$26,200.00	\$13,700.00	1		\$12,500.00	1
12	LACHER RICHARD J	10917 32ND ST N	10917 32ND ST N LAKE ELMO MN 55042	1402921440014	\$26,200.00	\$13,700.00	1		\$12,500.00	1
13	PROKOSCH JOHN T & DEBRA J	10907 32ND ST N	10907 32ND ST N LAKE ELMO MN 55042	1402921440015	\$26,200.00	\$13,700.00	1		\$12,500.00	1
14	DOWNNS MICHAEL P & PATRICIA E KORLIN-DOWNS	10899 32ND ST N	10899 32ND ST N LAKE ELMO MN 55042	1402921440016	\$26,200.00	\$13,700.00	1		\$12,500.00	1
15	BOUTHILET COLLEEN M & TERRANCE	10891 32ND ST N	10891 32ND ST N LAKE ELMO MN 55042	1402921440017	\$26,200.00	\$13,700.00	1		\$12,500.00	1
16	KNUDSON SCOTT L & SARALYN S	10865 32ND ST N	10865 32ND ST N LAKE ELMO MN 55042	1402921440018	\$26,200.00	\$13,700.00	1		\$12,500.00	1
17	CITY OF LAKE ELMO		3800 LAVERNE AVE N LAKE ELMO MN 55042	1402921440024	\$13,700.00	\$13,700.00	1		\$0.00	0
18	SAVELKOU RICHARD & SHANNON	10823 32ND ST N	10823 32ND ST N LAKE ELMO MN 55042	1402921440025	\$26,200.00	\$13,700.00	1		\$12,500.00	1
19	EMMONS BRETT H & JEAN I	3280 KLONDIKE AVE N	3280 KLONDIKE AVE N LAKE ELMO MN 55042	1402921430002	\$26,200.00	\$13,700.00	1		\$12,500.00	1
20	SCHMIDT WARREN ROBERT	3240 LAKE ELMO AVE N	3240 LAKE ELMO AVE N LAKE ELMO MN 55042	1302921330028	\$26,200.00	\$13,700.00	1		\$12,500.00	1
21	HOSEK MARIAN S	11120 32ND ST N	PO BOX 166 LAKE ELMO MN 5042-016	1302921320089	\$26,200.00	\$13,700.00	1		\$12,500.00	1
22	ARDELL GEORGE HUTTON & DEBORAH JEAN SMITH-HUTTON LIV T	11108 32ND ST N	11108 32ND ST N LAKE ELMO MN 55042	1302921320062	\$26,200.00	\$13,700.00	1		\$12,500.00	1
23	PEACOCK BRUCE T & MARA K CROMBIE	11090 32ND ST N	11090 32ND ST N LAKE ELMO MN 55042	1302921320064	\$26,200.00	\$13,700.00	1		\$12,500.00	1
24	TUREK ELIZABETH A	11060 32ND ST N	11060 32ND ST N LAKE ELMO MN 55042	1302921320063	\$26,200.00	\$13,700.00	1		\$12,500.00	1
25	REED CORRINNE J	11020 32ND ST N	11020 32ND ST N LAKE ELMO MN 55042	1302921330039	\$26,200.00	\$13,700.00	1		\$12,500.00	1
26	VANDEN BRANDEN KURT & CATHERINE M VANDEN BRANDEN	11008 32ND ST N	11008 32ND ST N LAKE ELMO MN 55042	1302921330038	\$26,200.00	\$13,700.00	1		\$12,500.00	1
27	LOVE MARK J & JENNIFER M	10940 32ND ST N	10940 32ND ST N LAKE ELMO MN 55042	1402921440008	\$26,200.00	\$13,700.00	1		\$12,500.00	1
28	WALLACE JOSEPH	10920 32ND ST N	10920 32ND ST N LAKE ELMO MN 55042	1402921440019	\$26,200.00	\$13,700.00	1		\$12,500.00	1
29	RIL PROPERTY MANAGEMENT & DEVELOPMENT LLC	3394 LAKE ELMO AVE N	4605 LILY AVE N LAKE ELMO MN 55042	1302921320001	\$23,400.00	\$23,400.00	0	150	\$0.00	0
30	KNAAK WILLIAM	11057 33RD ST N	11057 33RD ST N LAKE ELMO MN 55042	1302921320003	\$26,200.00	\$13,700.00	1		\$12,500.00	1
31	JECHORT MARK H & JANE E	11035 33RD ST N	11035 33RD ST N LAKE ELMO MN 55042	1302921320070	\$26,200.00	\$13,700.00	1		\$12,500.00	1
32	BRUCHU JOSEPH ETAL	10919 33RD ST LN N	10919 33RD ST LN N LAKE ELMO MN 55042	1402921410014	\$26,200.00	\$13,700.00	1		\$12,500.00	1
33	GROBNER DAVID ALLEN & DEBRA K	10867 33RD ST N	10867 33RD ST N LAKE ELMO MN 55042	1402921410018	\$26,200.00	\$13,700.00	1		\$12,500.00	1
34	POTT MICHAEL W ETAL	10833 33RD ST N	PO BOX 13 LAKE ELMO MN 55042	1402921410021	\$39,900.00	\$27,400.00	2		\$12,500.00	1
35	HAGBERG KEITH A	10825 33RD ST N	10825 33RD ST N LAKE ELMO MN 55042	1402921410020	\$39,900.00	\$27,400.00	2		\$12,500.00	1
36	KOTASEK RANDY T & DENISE V	3338 LANGLY CT N	3338 LANGLY CT N LAKE ELMO MN 55042	1302921320078	\$26,200.00	\$13,700.00	1		\$12,500.00	1
37	CITY OF LAKE ELMO	3303 LANGLY CT N	3800 LAVERNE AVE N LAKE ELMO MN 55042	1302921320069	\$26,200.00	\$13,700.00	1		\$12,500.00	1
38	DAHLBLOM STEVEN D	3343 LANGLY CT N	2971 JONQUIL TRL N LAKE ELMO MN 55042	1302921320081	\$104,800.00	\$54,800.00	4		\$50,000.00	4
39	DAHLBLOM STEVEN D		2971 JONQUIL TRL N LAKE ELMO MN 55042	1302921320080	\$13,700.00	\$13,700.00	1		\$0.00	0
40	DAHLBLOM STEVEN D		2971 JONQUIL TRL N LAKE ELMO MN 55042	1302921320076	\$13,700.00	\$13,700.00	1		\$0.00	0
41	KOHTZ CHRISTOPHER A & ALLISON	3327 LAMPERT AVE N	3327 LAMPERT AVE N LAKE ELMO MN 55042	1302921320066	\$26,200.00	\$13,700.00	1		\$12,500.00	1
42	HARDT NICHOLAS & ALANA	3309 LAMPERT AVE N	3309 LAMPERT AVE N LAKE ELMO MN 55042	1302921320067	\$26,200.00	\$13,700.00	1		\$12,500.00	1
43	SMITH JUSTIN A	3291 LAMPERT AVE N	3291 LAMPERT AVE N LAKE ELMO MN 55042	1302921320068	\$26,200.00	\$13,700.00	1		\$12,500.00	1
44	BERG JEFFREY J & DEBORAH L	3271 LAMPERT AVE N	3271 LAMPERT AVE N LAKE ELMO MN 55042	1302921320065	\$26,200.00	\$13,700.00	1		\$12,500.00	1
45	LENGYEL DAVID J	3330 LAMPERT AVE N	3330 LAMPERT AVE N LAKE ELMO MN 55042	1302921320071	\$26,200.00	\$13,700.00	1		\$12,500.00	1
46	ARNDT JARRIETT I & HOAGIE R	3316 LAMPERT AVE N	3316 LAMPERT AVE N LAKE ELMO MN 55042	1302921320072	\$26,200.00	\$13,700.00	1		\$12,500.00	1
47	WAGNER LINDA K	3286 LAMPERT AVE N	3286 LAMPERT AVE N LAKE ELMO MN 55042	1302921320073	\$26,200.00	\$13,700.00	1		\$12,500.00	1
48	VIGDAHL RODGER L & PATRICIA L	3268 LAMPERT AVE N	3268 LAMPERT AVE N LAKE ELMO MN 55042	1302921320074	\$26,200.00	\$13,700.00	1		\$12,500.00	1
49	KOTOWSKI SUSAN & TADEAUS	3331 KRAFT CIR N	3331 KRAFT CIR N LAKE ELMO MN 55042	1402921410009	\$26,200.00	\$13,700.00	1		\$12,500.00	1
50	LEIKAM DAVID S & ANNE M	3311 KRAFT CIR N	2641 LAKE ELMO AVE N LAKE ELMO MN 55042	1402921410010	\$26,200.00	\$13,700.00	1		\$12,500.00	1
51	PLATZ ROBERT T & PAMELA JB	3281 KRAFT CIR N	3281 KRAFT CIR N LAKE ELMO MN 55042	1402921410011	\$26,200.00	\$13,700.00	1		\$12,500.00	1
52	DESCHAMP-SCHMITZ MANDIE L	3265 KRAFT CIR N	3265 KRAFT CIR N LAKE ELMO MN 55042	1402921410012	\$26,200.00	\$13,700.00	1		\$12,500.00	1
53	VIVONA DANIEL M	3253 KRAFT CIR N	3253 KRAFT CIR N LAKE ELMO MN 55042	1402921440003	\$26,200.00	\$13,700.00	1		\$12,500.00	1
54	STEINKE DOUGLAS G & KATHRYN M SCHIFFERDECKER	3250 KRAFT CIR N	3250 KRAFT CIR N LAKE ELMO MN 55042	1402921440032	\$26,200.00	\$13,700.00	1		\$12,500.00	1
55	CITY OF LAKE ELMO		3800 LAVERNE AVE N LAKE ELMO MN 55042	1402921410023	\$13,700.00	\$13,700.00	1		\$0.00	0
56	STARK MICHAEL & ANNE	3284 KRAFT CIR N	3284 KRAFT CIR N LAKE ELMO MN 55042	1402921410022	\$26,200.00	\$13,700.00	1		\$12,500.00	1
57	MOLLERUD COLTON & STEPHANIE OLSON	3308 KRAFT CIR N	3308 KRAFT CIR N LAKE ELMO MN 55042	1402921410028	\$26,200.00	\$13,700.00	1		\$12,500.00	1
58	GORMAN JASON	3328 KRAFT CIR N	13233 22ND ST N STILLWATER MN 55082	1402921410027	\$26,200.00	\$13,700.00	1		\$12,500.00	1
59	JOHNSTON PETER A & NATALIE A	10925 33RD ST LN N	10925 33RD ST LN N LAKE ELMO MN 55042	1402921440020	\$26,200.00	\$13,700.00	1		\$12,500.00	1
60	SUSAN E MARKGRAF REV TRUST	10915 33RD ST LN N	10915 33RD ST LN N LAKE ELMO MN 55042	1402921440021	\$26,200.00	\$13,700.00	1		\$12,500.00	1
61	MISENER JEREMY P & HOLLY M	10906 33RD ST LN N	10906 33RD ST LN N LAKE ELMO MN 55042	1402921410015	\$26,200.00	\$13,700.00	1		\$12,500.00	1
62	BRENNAN MARTIN	10902 33RD ST LN N	10902 33RD ST LN N LAKE ELMO MN 55042	1402921410016	\$26,200.00	\$13,700.00	1		\$12,500.00	1
TOTAL					\$1,670,750.00	\$920,750.00	65.5		\$750,000.00	60

*Properties in RED represent commercial lot or apartment building

**Properties in BLACK represent residential lots

*Properties in BLUE represent subdividable parcels

OLD VILLAGE PHASE 5 AND 6: STREET AND UTILITY IMPROVEMENTS
UPPER 33RD STREET NORTH
PRELIMINARY ASSESSMENT ROLL

NO.	NAME	ADDRESS	MAILING ADDRESS						PID	TOTAL ASSESSMENT AMOUNT	STREET AND DRAINAGE ASSESSMENT AMOUNT	STREET FRONT FOOTAGE	SANITARY SEWER ASSESSMENT AMOUNT	SAC
1	SIMICH CHAD & KELLY	11123 UPPER 33RD ST N	1340	PARIS	TR N	STILLWATER	MN	55082	1302921320096	\$33,668.00	\$21,168.00	98	\$12,500.00	1
2	SIMICH CHAD & KELLY		1340	PARIS	TR N	STILLWATER	MN	55082	1302921320085	\$5,400.00	\$5,400.00	25	\$0.00	0
3	LAKE ELMO INN INC		PO	BOX 182		LAKE ELMO	MN	55042	1302921320010	\$40,176.00	\$40,176.00	186	\$0.00	0
4	QWEST		1025	ELDORADO	BLVD	BROOMFIELD	CO	80021	1302921320008	\$12,960.00	\$12,960.00	60	\$0.00	0
5	JOHNSON ELIZABETH M		PO	BOX 403		LAKE ELMO	MN	55042	1302921320009	\$12,960.00	\$12,960.00	60	\$0.00	0
6	NOVAK PAUL R		3413	LAKE ELMO	AVE N	LAKE ELMO	MN	55042	1302921320007	\$32,400.00	\$32,400.00	150	\$0.00	0
7	JOHNSON ELIZABETH M		PO	BOX 403		LAKE ELMO	MN	55042	1302921320086	\$50,760.00	\$50,760.00	235	\$0.00	0
8	LAKE ELMO INN INC	11104 UPPER 33RD ST N	PO	BOX 182		LAKE ELMO	MN	55042	1302921320047	\$23,300.00	\$10,800.00	50	\$12,500.00	1
9	MARTIN DANIEL D	11090 UPPER 33RD ST N	10941	32ND	ST N	LAKE ELMO	MN	55042	1302921320048	\$23,300.00	\$10,800.00	50	\$12,500.00	1
10	MARTIN DANIEL D		10941	32ND	ST N	LAKE ELMO	MN	55042	1302921320049	\$10,800.00	\$10,800.00	50	\$0.00	0
11	NOVAK PAUL R	11074 UPPER 33RD ST N	3413	LAKE ELMO	AVE N	LAKE ELMO	MN	55042	1302921320050	\$20,100.00	\$7,600.00	150	\$12,500.00	1
12	NOVAK PAUL R		3413	LAKE ELMO	AVE N	LAKE ELMO	MN	55042	1302921320051	\$10,800.00	\$10,800.00	50	\$0.00	0
13	NOVAK PAUL R		3413	LAKE ELMO	AVE N	LAKE ELMO	MN	55042	1302921320052	\$27,000.00	\$27,000.00	125	\$0.00	0
14	DUNN ROBERT B TRUST & SUSAN C HOPPER DUNN TRUS	11018 UPPER 33RD ST N	PO	BOX 153		LAKE ELMO	MN	55042	1302921320090	\$20,100.00	\$7,600.00	125	\$12,500.00	1
15	MARTIN JILL M TRUST	11002 UPPER 33RD ST N	11002	UPPER33RD	ST N	LAKE ELMO	MN	55042	1302921320054	\$20,100.00	\$7,600.00	76	\$12,500.00	1
16	LAKE ELMO INN INC	3442 LAKE ELMO AVE N	PO	BOX 182		LAKE ELMO	MN	55042	1302921320046	\$26,568.00	\$26,568.00	123	\$0.00	0
									TOTAL	\$370,392.00	\$295,392.00		\$75,000.00	6

*Properties in RED represent commercial lots

**Properties in BLACK reprsent residential lots

OLD VILLAGE PHASE 5 AND 6: STREET AND UTILITY IMPROVEMENTS
34TH STREET NORTH
PRELIMINARY ASSESSMENT ROLL

NO.	NAME	ADDRESS	MAILING ADDRESS	PID	TOTAL ASSESSMENT AMOUNT	STREET AND DRAINAGE ASSESSMENT AMOUNT	STREET AND DRAINAGE IMPROVEMENT UNITS	SANITARY SEWER ASSESSMENT AMOUNT	SAC
1	JOHNSON STEPHEN D	11105 34TH ST N	2915 LAKE ELMO AVE N LAKE ELMO MN 55042	1302921320020	\$23,600.00	\$23,600.00	4	\$0.00	0
2	EVERSON ELIZABETH A	11075 34TH ST N	11075 34TH ST N LAKE ELMO MN 55042	1302921320018	\$18,400.00	\$5,900.00	1	\$12,500.00	1
3	GUSTAFSON STEPHEN TRS	11051 34TH ST N	11051 34TH ST N LAKE ELMO MN 55042	1302921320017	\$18,400.00	\$5,900.00	1	\$12,500.00	1
4	SCHILTZ GREGORY & COLLEEN	11098 34TH ST N	PO BOX 175 LAKE ELMO MN 55042	1302921320023	\$5,900.00	\$5,900.00	1	\$0.00	0
5	EDER JOEL R & JUDITH H	11082 34TH ST N	PO BOX 127 LAKE ELMO MN 55042	1302921320024	\$18,400.00	\$5,900.00	1	\$12,500.00	1
6	JOHN F SCHULTZ TRUST	11072 34TH ST N	721 10TH AVE N SOUTH ST PAUL MN 55075	1302921320015	\$18,400.00	\$5,900.00	1	\$12,500.00	1
7	CITY OF LAKE ELMO		3880 LAVERNE AVE N LAKE ELMO MN 55042	1302921320012	\$5,900.00	\$5,900.00	1	\$0.00	0
TOTAL					\$109,000.00	\$59,000.00	10	\$50,000.00	4

*Properties in RED represent apartment building

**Properties in BLACK reprsent residential lots

OLD VILLAGE PHASE 5 AND 6: STREET AND UTILITY IMPROVEMENTS
36TH STREET AREA
PRELIMINARY ASSESSMENT ROLL

NO.	NAME	ADDRESS	MAILING ADDRESS	PID	TOTAL ASSESSMENT AMOUNT	STREET AND DRAINAGE ASSESSMENT AMOUNT	SANITARY SEWER ASSESSMENT AMOUNT	SAC
1	ZIEMER MICHAEL R & KAREN A	11091 STILLWATER BLVD N	11091 STILLWATER BLVD N LAKE ELMO MN 55042	1302921230043	\$12,500.00	\$0.00	\$12,500.00	1
2	GROBNER JOSHUA A	11079 STILLWATER BLVD N	11079 STILLWATER BLVD N LAKE ELMO MN 55042	1302921230042	\$12,500.00	\$0.00	\$12,500.00	1
3	BAILLIE JOHN W II & MARGARET J GUILFOYLE	11051 STILLWATER BLVD N	11051 STILLWATER BLVD N LAKE ELMO MN 55042	1302921230067	\$37,500.00	\$0.00	\$37,500.00	3
4	EDWARD THOMAS GORMAN FAMILY LIVING TRUST	11011 STILLWATER BLVD N	12660 12TH ST N LAKE ELMO MN 55042	1302921230071	\$200,000.00	\$0.00	\$200,000.00	16
TOTAL					\$262,500.00	\$0.00	\$262,500.00	21

*Properties in RED represent commercial lots

**Properties in BLACK represent residential lots

OLD VILLAGE PHASE 5 AND 6: STREET AND UTILITY IMPROVEMENTS
LAKE ELMO AVENUE (PRIVATE DRIVEWAY)
PRELIMINARY ASSESSMENT ROLL

NO.	NAME	ADDRESS	MAILING ADDRESS	PID	TOTAL ASSESSMENT AMOUNT	WATERMAIN ASSESSMENT AMOUNT	SANITARY SEWER ASSESSMENT AMOUNT	SAC
1	WALDEMAR JAMES D & BARBARA W	3407 LAKE ELMO AVE N	3407 LAKE ELMO AVE N LAKE ELMO MN 55042	1302921310004	\$39,500.00	\$27,000.00	\$12,500.00	1
2	CHAPMAN JASON & ERIN	3409 LAKE ELMO AVE N	9580 53RD ST N LAKE ELMO MN 55042	1302921310019	\$39,500.00	\$27,000.00	\$12,500.00	1
3	SCHWARZ MICHAEL	3411 LAKE ELMO AVE N	4715 LAKE ELMO AVE N LAKE ELMO MN 55042	1302921310020	\$39,500.00	\$27,000.00	\$12,500.00	1
4	NOVAK PAUL R	3413 LAKE ELMO AVE N	3413 LAKE ELMO AVE N LAKE ELMO MN 55042	1302921310006	\$39,500.00	\$27,000.00	\$12,500.00	1
5	MACTAVISH KELSEY	3415 LAKE ELMO AVE N	3415 LAKE ELMO AVE N LAKE ELMO MN 55042	1302921310008	\$39,500.00	\$27,000.00	\$12,500.00	1
TOTAL					\$197,500.00	\$135,000.00	\$62,500.00	5

Review and Analysis of Upper 33rd Street Properties – April 2, 2021

City of Lake Elmo Planning Department

PIN: 13-029-21-32-0086

Owner: Liz Johnson

Size: 0.25 acres

Location: South side of Upper 33rd Street, south of UP Railroad

Land Use Plan designation: VMX – (Village Mixed Use)

Zoning: VMX (per City Resolution 08-176 adopted on May 2, 2017) **Note:** VMX zoning allows for a variety of land uses including residential and commercial uses. Many of the land uses listed in the VMX zoning code require City approval of a conditional use permit (CUP).

Required Setbacks: 0 feet on front, 10 feet minimum on rear, 0 feet to side (if not abutting residential, 10 feet minimum if abutting residentially zoned parcels or those with residential uses).

Maximum Impervious Surface Allowed: 75 percent

Existing Lot Depth: approx. 27 feet north-south

Summary: It appears unlikely that a structure of any type could be placed on this parcel as the maximum depth it could be is 17 feet while meeting the City-required front and rear yard building setbacks.

PIN 13-029-21-32-0052

Owner: Paul Novak

Size: 12,499 square feet (125 by 100) 0.29 acres

Location: North side of Upper 33rd Street, east of 11018 Upper 33rd Street

Land Use Plan designation: VMX (village mixed use)

Zoning: VMX (per City Resolution 08-176 adopted on May 2, 2017). Had been zoned GB (general business) previous to the VMX zoning in 2017.

Minimum Lot Area: Non-Residential use – none

Minimum Lot Width: commercial use – none

Required Setbacks: Front yard - non-residential use – shall maintain the prevailing setback of that block or a maximum setback of 20 feet, whichever is less.

Rear Yard Setback: all uses - 10 feet minimum

Maximum Impervious Surface Allowed: 75 percent

Summary: Based on the existing VMX zoning, this parcel should be buildable for a commercial (non-residential) use based on its size while meeting all the VMX zoning standards.

PIN 13-029-21-32-0051

Owner: Paul Novak

Size: 5,000 square feet (50 by 100), 0.115 acres

Location: North side of Upper 33rd Street, west of 11074 Upper 33rd Street

Land Use Plan designation: VMX (village mixed use)

Zoning: VMX (per City Resolution 08-176 adopted on May 2, 2017). Had been zoned GB (general business) previous to the VMX zoning in 2017.

Minimum Lot Area: Non-Residential use – none

Minimum Lot Width: commercial – none

Required Setbacks: Front yard - non-residential use – shall maintain the prevailing setback of that block or a maximum setback of 20 feet, whichever is less.

Rear Yard Setback: all uses - 10 feet minimum

Maximum Impervious Surface Allowed: 75 percent

Summary: Based on the size and shape of this property, it appears buildable for commercial (non-residential) land uses while meeting all the VMX zoning standards.

PIN 13-029-21-32-0007

Owner: Paul Novak

Size: 3,049 square feet (18 x 169), 0.07 acres

Location: South side of Upper 33rd Street, west of existing storage garage building

Land Use Plan designation: VMX (village mixed use)

Zoning: VMX (per City Resolution 08-176 adopted on May 2, 2017). Had been zoned GB (general business) previous to the VMX zoning in 2017.

Minimum Lot Area: Non-Residential use – none, SF residential – 9,000 square feet

Minimum Lot Width: commercial – none, SF residential – 70 feet

Required Setbacks: Front yard - non-residential use – shall maintain the prevailing setback of that block or a maximum setback of 20 feet, whichever is less. SF detached – 25 feet minimum

Rear Yard Setback: all uses - 10 feet minimum

Maximum Impervious Surface Allowed: 75 percent

Summary: It appears that no structure of any type could be placed on this parcel as no structure would fit on the parcel while meeting the City required front and rear building setbacks.

PIN 13-029-21-32-0009

Owner: Elizabeth Johnson

Size: 1,307 square feet, 0.03 acres

Location: South side of Upper 33rd Street

Land Use Plan designation: VMX (village mixed use)

Zoning: VMX (per City Resolution 08-176 adopted on May 2, 2017). Had been zoned GB (general business) previous to the VMX zoning in 2017.

Minimum Lot Area: Non-Residential use – none

Minimum Lot Width: commercial use – none

Required Setbacks: Front yard - non-residential use – shall maintain the prevailing setback of that block or a maximum setback of 20 feet, whichever is less.

Rear Yard Setback: all uses - 10 feet minimum

Maximum Impervious Surface Allowed: 75 percent

Existing Use: Storage building (with 4 garage stalls)

Summary: This property has a legal non-conforming commercial structure due to the amount of impervious surface on the parcel and because the setbacks of the existing building not meeting current City code standards.

PIN 13-029-21-32-0008

Owner: Qwest (CenturyLink)

Size: 1,307 square feet, 0.03 acres

Location – South side of Upper 33rd Street

Land Use Plan designation – VMX (village mixed use)

Zoning– VMX (per City Resolution 08-176 adopted on May 2, 2017). Had been zoned GB (general business) previous to the VMX zoning in 2017.

Minimum Lot Area: Non-Residential use – none

Minimum Lot Width: commercial use – none

Required Setbacks: Front yard - non-residential use – shall maintain the prevailing setback of that block or a maximum setback of 20 feet, whichever is less.

Rear Yard Setback: all uses - 10 feet minimum

Maximum Impervious Surface Allowed: 75 percent

Existing Use: building for telecommunications equipment

Summary: This property has a legal non-conforming commercial structure due to the setbacks of the existing building not meeting current City code standards.

PIN: 13-029-21-32-0010

Owner: Lake Elmo Inn

Size: 3,485 square feet, 0.08 acres

Location – South side of Upper 33rd Street

Land Use Plan designation – VMX (village mixed use)

Zoning– VMX (per City Resolution 08-176 adopted on May 2, 2017). Had been zoned GB (general business) previous to the VMX zoning in 2017.

Minimum Lot Area: Non-Residential use – none

Minimum Lot Width: commercial uses – none

Required Setbacks: Front yard - non-residential use – shall maintain the prevailing setback of that block or a maximum setback of 20 feet, whichever is less.

Rear Yard Setback: all uses - 10 feet minimum

Maximum Impervious Surface Allowed: 75 percent

Existing Use: paved for commercial business parking

Summary: Due to the shape of the property and the required building setbacks, this property could not have a structure of any type constructed on it that would meet all City zoning standards.

PIN: 13-029-21-32-0085

Owner; Simich IV

Size: 436 square feet, 0.01 acres

Location – South side of Upper 33rd Street

Land Use Plan designation – VMX (village mixed use)

Zoning– VMX (per City Resolution 08-176 adopted on May 2, 2017). Had been zoned GB (general business) previous to the VMX zoning in 2017.

Minimum Lot Area: Non-Residential use – none

Minimum Lot Width: commercial use – none

Required Setbacks: Front yard - non-residential use – shall maintain the prevailing setback of that block or a maximum setback of 20 feet, whichever is less.

Rear Yard Setback: all uses - 10 feet minimum

Maximum Impervious Surface Allowed: 75 percent

Existing Use: This property is part of a site with an existing commercial business (with PIN 13-029-32-0096)

Summary: This property has an existing non-conforming commercial structure. The size and type of existing development on the property is non-conforming due to the amount of impervious surface on the property and because the setbacks of the existing building do not meet current City code standards.

PIN: 13-029-21-32-0096

Owner; Simich IV

Size: 3,920 square feet, 0.09 acres

Location: South side of Upper 33rd Street

Land Use Plan designation: VMX (village mixed use)

Zoning: VMX (per City Resolution 08-176 adopted on May 2, 2017). Had been zoned GB (general business) previous to the VMX zoning in 2017.

Minimum Lot Area: Non-Residential use – none

Minimum Lot Width: commercial uses – none

Required Setbacks – Front yard - non-residential use – shall maintain the prevailing setback of that block or a maximum setback of 20 feet, whichever is less.

Rear Yard Setback: all uses - 10 feet minimum

Maximum Impervious Surface Allowed: 75 percent

Existing Use: This property is part of a site with an existing commercial business (With PIN 13-029-21-00085)

Summary: This property has a legal non-conforming commercial structure due to the existing building setbacks not meeting current City code standards.

SECTION I. GENERAL POLICY STATEMENT

A special assessment is a levy on a property to defray the cost of public improvements. Chapter 429 of the Minnesota Statutes grants cities the authority to use special assessments as a mechanism to finance a broad range of public improvements. The primary purpose of special assessments is to have the properties that benefit from the public improvements pay as much of the cost of the improvements as reasonable, thereby reducing a city's reliance on general property taxes. However, Chapter 429 of the Minnesota Statutes limits the amount that may be assessed to the increase in the market value of the property being assessed as a result of the public improvement.

The purpose of this Special Assessment Policy is to establish a fair and equitable manner of recovering and distributing the cost of public improvements. The procedures used by the City of Lake Elmo ("City") for levying special assessments are those specified by Minnesota Statutes § Chapter 429, which provides that "all or a part of the cost of improvements may be assessed against benefiting properties." This assessment policy is intended to serve as a general guide for a systematic assessment process in the City of Lake Elmo.

Special Assessments must meet the following criteria:

- A. The land must have received special benefit from the improvement.
- B. The amount of the assessment must not exceed the special benefit.
- C. The assessment must be uniform in relation to the same class of property within the assessment area.

It is important to recognize that the actual cost of extending an improvement past a particular parcel is not the determining factor in determining the amount to be assessed. However, in most cases the method for determining the value of the benefit received by the improvement, and therefore the amount to be assessed, shall be the cost of providing the improvement, as long as the cost does not exceed the increase in the market value of the property being assessed. The entire project shall be considered as a whole for the purpose of calculating and computing an assessment rate. In the event City staff has doubt as to whether or not the costs of the project

may exceed the special benefits to the property, the City Council may obtain such appraisals as may be necessary to support the proposed assessment.

The City must recover the expense of installing public improvements undertaken, while ensuring that each parcel pays its fair share of the project cost in accordance with these assessment guidelines. While there is no perfect assessment policy, it is important that assessments be implemented in a reasonable, consistent and fair manner. There may be exceptions to the policy or unique circumstances or situations that may require special consideration and discretion by City staff and the City Council.

SECTION VI. METHODS OF ASSESSMENT

A. GENERAL POLICY STATEMENT

The City of Lake Elmo has adopted the following three methods for assessment of public improvements: fixed cost unit, adjusted front footage, and by area method. For any particular project one of these methods will more adequately reflect the true benefits received in the assessment area than the other methods. The City Engineer, in his Feasibility Study to the Council, will recommend one or a combination of these methods for each project, based upon past practices and the method that would best reflect the benefit received for the area to be assessed. The City Council will select the preferred method of calculating the assessments at the time the project is ordered.

The general rule is to assess platted residential lots using the "unit" assessment basis; however, where platted residential lots do not reflect a general similar size and shape, consideration will be given to an adjusted front footage basis. Commercial, institutional, and industrial lots will be assessed on an adjusted front footage basis; however, consideration will be given to a "unit" assessment if the special benefit to the property in the district is essentially the same. The methods of assessment outlined within this policy are not intended to be an exhaustive list of acceptable approaches. The Council may adopt alternative approaches as they deem necessary to fairly and equitably allocate assessments for unique situations.

B. ASSESSMENT METHODS

The following methods of assessment, as described and defined below, are hereby established as the official methods of assessment in the City of Lake Elmo:

1. Fixed Cost "Unit" Method of Assessment

When it has been determined to assess by the "unit" method, all lots within the benefited area shall be assessed equally for the improvements.

The "fixed cost per unit" shall be defined as a quotient of the "assessable cost" divided by the total assessable lots or parcels benefiting from the improvement.

For the purpose of determining the "units" or "parcels", all parcels, including governmental agencies, shall be included in such calculations.

When large lots can be subdivided into more than one lot, the number of assessable lots attributed to that parcel will be determined from the number of potential future lots that could be obtained using current subdivision regulations.

For multi-family, commercial, industrial and institutional properties, the number of fixed units assigned to the property may be determined by an equivalent "residential" factor representing the properties use compared to a single family residential home (e.g. SAC units, WAC units, or standard traffic generation units).

2. *"Adjusted Front Footage" Method of Assessment*

When it has been determined to assess by the "Adjusted Front Footage" method, the "cost per adjusted front foot", or assessment rate, shall be defined as the quotient of the "assessable cost" divided by the total assessable frontage benefiting from the improvement. The assessment for each parcel is then obtained by multiplying the assessment rate times the adjusted front footage for each property. For the purpose of determining the "assessable frontage", all properties, including governmental agencies, shall have their frontages included in such calculation.

The actual physical dimensions of a parcel abutting an improvement (i.e., street, sewer, water, etc.) shall NOT be construed as the frontage utilized to calculate the assessment for a particular parcel. Rather, an "adjusted front footage" will be determined. In the Adjustment Front Footage method, odd shaped lots are adjusted to an average footage that would be the equivalent to the frontage of a rectangular shaped lot of the same area and depth. The purpose of this method is to equalize assessment calculations for lots of similar size.

3. *"Area" Method of Assessment*

When it has been determined to assess by the "area" method, the area shall be defined as the number of square feet or acres within the boundaries of the appropriate property lines of the areas benefiting from the project. The assessment rate (i.e. cost per square foot) shall be calculated by dividing the

total assessable cost by the total assessable area. The assessment for each parcel is then obtained by multiplying the assessment rate times the benefitting area of the parcel. On large lots, the City Engineer may determine that only a portion of the lot receives the benefit and may select a lot depth for the calculations equal to the benefit received.

For the purposes of defining assessable areas, all properties included in the benefited area, including other governmental areas, churches, etc. shall be included in the assessable areas. The following items may not be included in area calculations: public right-of-ways, natural waterways, swamps and lakes or other wetlands designated by the Mn/DNR. The City Engineer will make the recommendation on the benefited area in the Feasibility Report.