



STAFF REPORT

DATE: September 21, 2021

CONSENT

AGENDA ITEM: Approve Resolution Regarding Special Assessments for the 31st Street & Stillwater Blvd Watermain 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: Should the City Council remove pending assessments for the 31st Street & Stillwater Blvd Watermain Improvements?

BACKGROUND: On May 5, 2020, the City Council awarded a contract to construct the 31st Street & Stillwater Blvd Watermain Improvements. The project is located just south of Stillwater Boulevard (CSAH 14) and the Union Pacific Railroad, and just east of 31st Street North. The neighborhood has six homes on lots ranging in size from 0.5 to 7.3 acres. The properties reside in an area where PFAS contamination exceeds Health Based Values (HBVs) and well advisories were issued.

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 six homes. The terms of the grant are outlined in the grant agreement between the City of Lake Elmo and the MPCA dated October 2, 2019.

PROPOSAL DETAILS/ANALYSIS: As part of the grant agreement with the MPCA, all households within the project limits, regardless of Health Based Values (HBVs), were eligible to connect to municipal water, and all households that connected to city water were required 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 intended to levy assessments for the public improvements in accordance with the City's Special Assessment Policy and current practices. Each property that connects to city water must 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 were completed the public improvement assessments levied for this project would be considered paid in full and removed from the property.

All six properties have connected within the required timeframe per the requirements of the grant agreement. Therefore, the pending assessments for these parcels should be formally removed.

FISCAL IMPACT: None. The improvements are 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 October 2, 2019.

RECOMMENDATION: Staff is recommending that the City Council, *as part of the consent agenda*, adopt the attached resolution that will effectively remove the pending assessments from the properties within the 31st Street & Stillwater Blvd Watermain Improvement project area. If removed from the consent agenda, the recommended motion is as follows:

“Move to adopt Resolution No. 2021-103, A Resolution Regarding Special Assessments for the 31st Street and Stillwater Boulevard Watermain Improvement Project, that will effectively remove the pending assessments from the properties within the project area.”

ATTACHMENTS:

1. Resolution Regarding Special Assessments for the 31st Street and Stillwater Boulevard Watermain Improvement Project.
2. Exhibit A - Final Assessment Roll.
3. 31st Street & Stillwater Blvd Watermain Improvements – Location Map.

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

**RESOLUTION NO. 2021-103
A RESOLUTION REGARDING SPECIAL ASSESSEMENTS FOR THE 31 STREET
AND STILLWATER BOULEVARD WATERMAIN IMPROVEMENT PROJECT**

WHEREAS, on May 5, 2020, the City Council awarded a contract to construct the 31st Street and Stillwater Boulevard Watermain improvements (the “Project”); and

WHEREAS, the Project area has six homes that reside in an area where PFA contamination exceeds Health Based Values and well advisories were issued; and

WHEREAS, the City was approved to receive grant funding from the Minnesota Pollution Control Agency (the “MPCA”) under the 2018 3M Settlement Agreement as an expedited project to extend municipal water and connect each of the six homes to City water in the Project area; and

WHEREAS, as part of the MPCA Grant Agreement, all homes within the Project area, regardless of Health Based Values, were eligible to connect to City water, and all households that connected to City water were required to have their private wells properly sealed and abandoned as part of the Project and within the timeframe of the Grant Agreement; and

WHEREAS, in order to implement the MPCA Grant Agreement requirements, the City intended to levy special assessments for costs of the Project in accordance with the City’s Special Assessment Policy and current practices if the homes in the Project area did not connect to City water and abandon their private wells within one year after water service was made available and following written notice from the City to connect to City water; and

WHEREAS, the Project was completed, and the City issued written notice to the homes in the Project area to connect to City water; and

WHEREAS, all six homes within the Project area have connected to City water and abandoned their private wells within the required timeframe.

NOW, THEREFORE, BE IT RESOLVED THAT by the City Council as follows:

1. That the amount of the special assessments for the Project for all of the properties listed on the Final Assessment Roll that is attached to this Resolution as Exhibit A will be \$0.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE TWENTY-FIRST DAY OF
SEPTEMBER, 2021.**

CITY OF LAKE ELMO

(Seal)
ATTEST:

By: _____
Charles Cadenhead
Mayor

Julie Johnson
City Clerk

EXHIBIT A

Final Assessment Roll

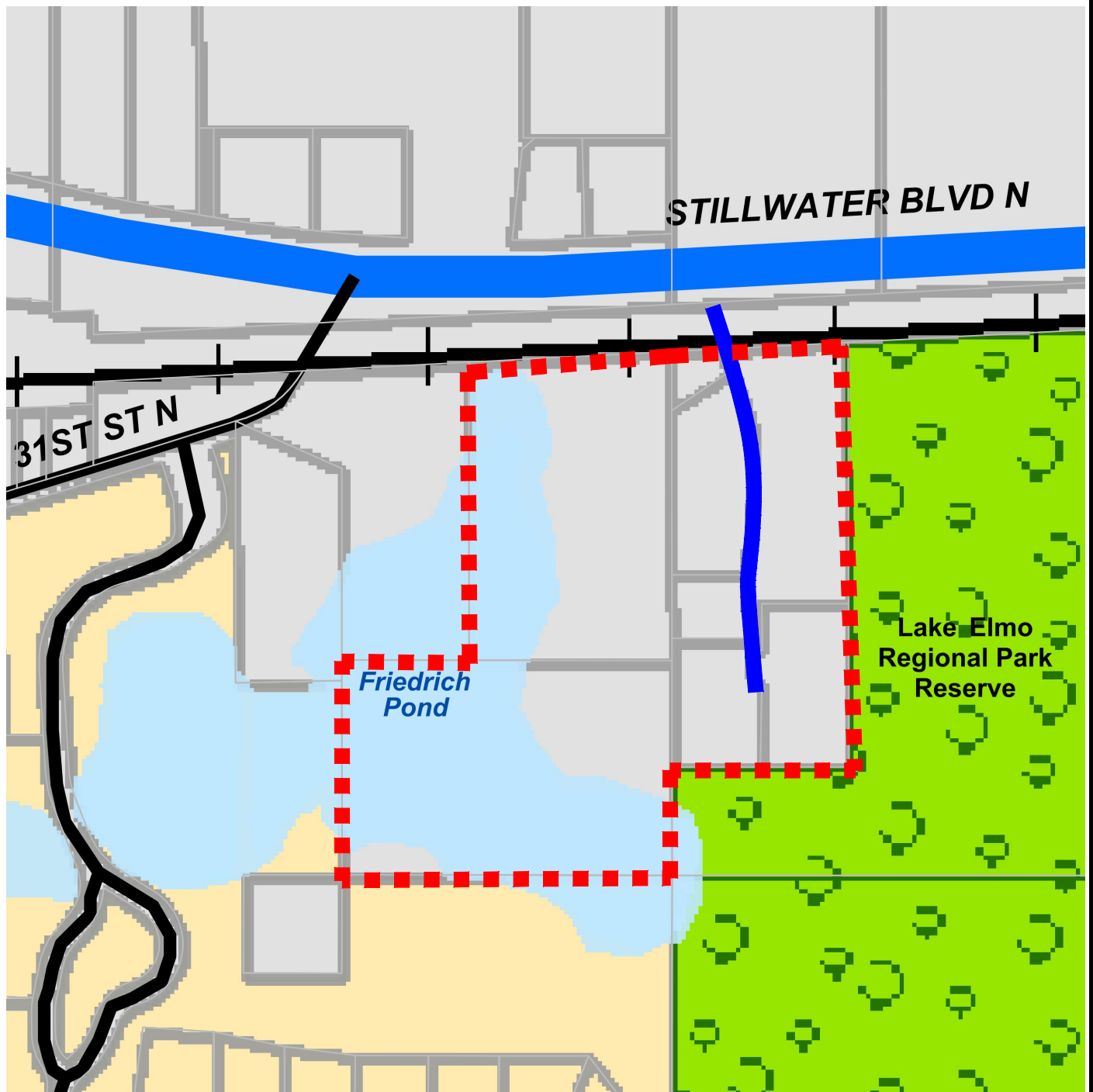
CITY OF LAKE ELMO, MINNESOTA
SEPTEMBER, 2021

31ST STREET STILLWATER BLVD WATERMAIN EXTENSION
FINAL ASSESSMENT ROLL

NO.	NAME	ADDRESS	MAILING ADDRESS	
1	O'SHEA DOUGLAS J & ANDREA D	9517 STILLWATER BLVD N	9517 STILLWATER BLVD N LAKE ELMO MN 55042	1502
2	GOIFFON WAYNE J	9519 STILLWATER BLVD N	9519 STILLWATER BLVD N LAKE ELMO MN 55042	1502
3	TOWNSEND JEFFREY M & JENNIFER M	9521 STILLWATER BLVD N	9521 STILLWATER BLVD N LAKE ELMO MN 55042	1502
4	HAYEK RICHARD J & MARJORIE A	9523 STILLWATER BLVD N	9523 STILLWATER BLVD N LAKE ELMO MN 55042	1502
5	KOTASKA GREGORY W	9495 STILLWATER BLVD N	9495 STILLWATER BLVD N LAKE ELMO MN 55042	1502
6	ALGUIRE TODD	9447 STILLWATER BLVD N	9447 STILLWATER BLVD N LAKE ELMO MN 55042	1502

31ST STREET STILLWATER BLVD WATERMAIN EXTENSION
FINAL ASSESSMENT ROLL

NO.	NAME	ADDRESS	MAILING ADDRESS	PID	TOTAL ASSESSMENT AMOUNT
1	O'SHEA DOUGLAS J & ANDREA D	9517 STILLWATER BLVD N	9517 STILLWATER BLVD N LAKE ELMO MN 55042	1502921430009	\$0
2	GOIFFON WAYNE J	9519 STILLWATER BLVD N	9519 STILLWATER BLVD N LAKE ELMO MN 55042	1502921430002	\$0
3	TOWNSEND JEFFREY M & JENNIFER M	9521 STILLWATER BLVD N	9521 STILLWATER BLVD N LAKE ELMO MN 55042	1502921430012	\$0
4	HAYEK RICHARD J & MARJORIE A	9523 STILLWATER BLVD N	9523 STILLWATER BLVD N LAKE ELMO MN 55042	1502921430011	\$0
5	KOTASKA GREGORY W	9495 STILLWATER BLVD N	9495 STILLWATER BLVD N LAKE ELMO MN 55042	1502921340006	\$0
6	ALGUIRE TODD	9447 STILLWATER BLVD N	9447 STILLWATER BLVD N LAKE ELMO MN 55042	1502921340007	\$0
TOTAL					\$0



LEGEND

- PRIVATE DRIVE
- - - PROPERTIES SERVED

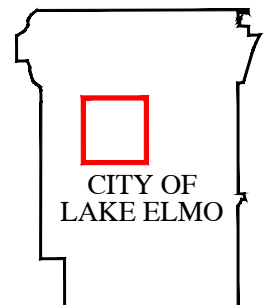


FIGURE NO. 1

LOCATION MAP

31ST STREET & STILLWATER BLVD

FOCUS
ENGINEERING, inc.

31ST STREET &
STILLWATER BLVD
WATERMAIN EXTENSION
PROJECT NO. 2019.124