



## STAFF REPORT

DATE: April 4, 2023  
**PUBLIC HEARING**

**AGENDA ITEM:** Old Village Phase 7 Street and Utility Improvements – Final Assessment Hearing and Adopt the Final Assessments

**SUBMITTED BY:** Jack Griffin, City Engineer

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

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**ISSUE BEFORE COUNCIL:** The City Council is respectfully requested to conduct the final assessment hearing for the Old Village Phase 7 Street and Utility Improvements. Following the hearing, should the City Council adopt the final assessment roll for the Project?

**BACKGROUND:** On March 7, 2023 the City Council called for a final assessment hearing for the Old Village Phase 7 Street and Utility Improvements. Mailed notice has been provided to each assessed property and notice of the public hearing has been published in the local paper in accordance with Minnesota Statutes, Section 429 (attached for reference).

The Preliminary Assessment Roll for the Old Village Phase 7 Street and Utility Improvements was adopted on December 6, 2022 following the Public Improvement Hearing for the Project. The preliminary assessment roll was based on the estimated total project costs as published in the Feasibility Report adopted November 1, 2022.

**PROPOSAL DETAILS/ANALYSIS:** Pursuant to Minnesota Statutes, Section 429, the Council must declare the amount to be assessed against the benefiting properties and hold a hearing on the proposed assessments. Staff has enclosed a proposed final assessment roll which is consistent with the amounts presented in the feasibility report and is consistent with the city's Special Assessment Policy.

The sanitary sewer assessment is proposed in the amount of \$13,100 per residential property for 22 benefiting properties. The street and drainage improvement assessment is proposed in the amount of \$9,800 per residential property for 29 benefiting properties. The sanitary sewer assessment is levied over 20-years and the street and drainage improvements are levied over 15 years. Assessments will be charged an interest rate of 4.5%.

**FISCAL IMPACT:** The post-bid estimated total project cost is \$3,023,000 with the city cost share estimated to be \$2,450,559, including \$701,118 for the street and drainage improvements, \$1,292,895 for sanitary sewer system improvements, and \$456,546 for the water system improvements. The remaining costs are proposed to be assessed against the benefiting properties consistent with the city's Special Assessment Policy including proposed assessments in the amount of \$284,200 for the street and drainage improvements and \$288,200 for the sanitary sewer improvements.

Bids were received on March 23, 2023 and the updated total estimated project costs are attached for reference. The post-bid estimated total costs are summarized by infrastructure component and can be compared to the estimated project costs at the time of the feasibility report presentation.

**RECOMMENDATION:** Staff is recommending that the City Council approve a Resolution Adopting the Final Assessment Roll. The recommended motion to approve this action is as follows:

***“Move to adopt Resolution No. 2023-030 Adopting the Final Assessment Roll for the Old Village Phase 7 Street and Utility Improvements.”***

**ATTACHMENTS:**

1. Resolution Adopting the Final Assessment Roll for the Old Village Phase 7 Street and Utility Improvements.
2. Notice of Hearing on Proposed Assessment.
3. Location Map.
4. Assessment Roll.
5. Post Bid Analysis.
6. Project Schedule.

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

**RESOLUTION NO. 2023-030  
A RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL FOR  
THE OLD VILLAGE PHASE 7 STREET AND UTILITY  
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 Old Village Phase 7 Street and Utility Improvements including street, drainage, watermain and sanitary sewer improvements along Legion Avenue North, south of 30th Street.

**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 for street and drainage improvements and 20 years for sanitary sewer improvements, the first of the installments to be payable on or before the first Monday in January, 2024 and shall bear interest at the rate of 4.5% percent per annum from the adoption date of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2023. 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 FOURTH DAY OF APRIL, 2023.**

**CITY OF LAKE ELMO**

(Seal)  
ATTEST:

By: \_\_\_\_\_  
Charles Cadenhead  
Mayor

\_\_\_\_\_  
Julie Johnson  
City Clerk

**CITY OF LAKE ELMO**  
**NOTICE OF HEARING ON PROPOSED ASSESSMENT**  
**OLD VILLAGE PHASE 7 STREET AND UTILITY IMPROVEMENTS**

Notice is hereby given that the City Council of Lake Elmo will conduct a public hearing on **Tuesday April 4, 2023** at, or approximately after, 7:00 P.M. to consider, and possibly adopt, the proposed assessment against abutting properties for the Old Village Phase 7 Street and Utility Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following describes the area proposed to be assessed:

The extension of public sanitary sewer along Legion Avenue North, south of 30th Street, to replace the use of private individual on-site sewage treatment systems and the Old Village Remote A 201 Community Wastewater Treatment System. The improvements include the replacement and relocation of the existing watermain, and the reconstruction of the public streets disturbed by the utility installations, consisting of a reconstructed bituminous street with new concrete curb and gutter, and new storm sewer system along Legion Avenue North, from 30th Street to the south end cul-de-sac.

You may at any time prior to certification of the assessment to the county auditor on November 15, 2023, 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 prior to May 4, 2023. 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 (for the assessment to be 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 4.5 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 and 20 years for sanitary sewer improvements. The first of the installments are to be payable on or before the first Monday in January 2024 and will bear interest at the rate of 4.5 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, 2023. 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 \$284,200. The total amount of the proposed sanitary sewer improvement assessment is \$288,200. The total amount of the proposed watermain assessment is \$0. The City contribution for the overall improvement project is \$2,247,600. 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.

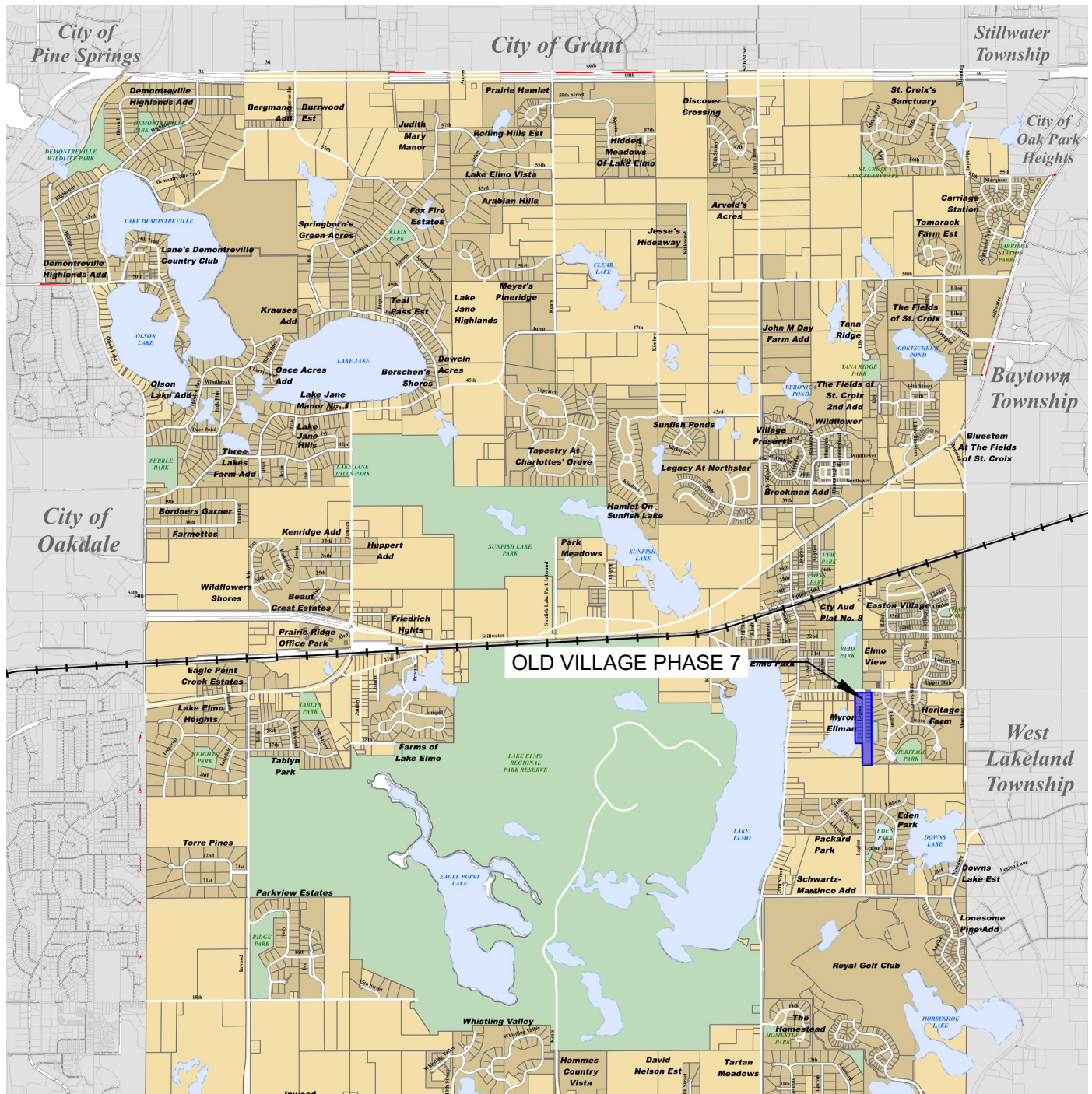
Notwithstanding the standards and guidelines established by the City for determining a hardship, a deferment of an assessment may be obtained pursuant to Minnesota Statutes Section 435.193.

**DATED:** March 7, 2023

**BY ORDER OF THE LAKE ELMO CITY COUNCIL**

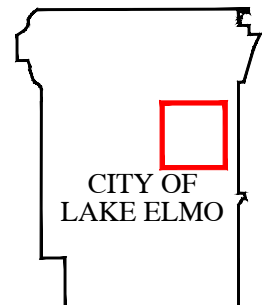
**Charles Cadenhead, Mayor**

*(Published in the Stillwater Gazette on March 10, 2023)*



## LEGEND

OLD VILLAGE PHASE 7



**FOCUS**  
ENGINEERING, inc.

OLD VILLAGE PHASE 7  
STREET & UTILITY  
IMPROVEMENTS

PROJECT NO. 2022.119  
OCTOBER, 2022

FIGURE NO. 1  
LOCATION MAP  
MYRON ELLMAN SUBDIVISION  
LEGION AVENUE NORTH

OLD VILLAGE PHASE 7 STREET AND UTILITY IMPROVEMENTS  
(LEGION AVENUE NORTH)  
FINAL ASSESSMENT ROLL

NO.	NAME	ADDRESS	MAILING ADDRESS								PID	TOTAL ASSESSMENT AMOUNT	STREET AND DRAINAGE ASSESSMENT AMOUNT	SANITARY SEWER ASSESSMENT AMOUNT	SAC
1	FRIENDT TIMOTHY A ETAL	2749	LEGION	AVE N	8058	ENCLAVE	CIR	WOODBURY	MN	55125	2402921130001	\$9,800.00	\$9,800.00		
2	TOFT RODNEY A & JUDY A	2764	LEGION	AVE N	11350	12TH	ST N	LAKE ELMO	MN	55042	2402921210027	\$22,900.00	\$9,800.00	\$13,100.00	1
3	KUPFERSCHMIDT W ALAN	2769	LEGION	AVE N	2769	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120017	\$22,900.00	\$9,800.00	\$13,100.00	1
4	SEHLOFF ALLEN P	2778	LEGION	AVE N	2778	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210026	\$22,900.00	\$9,800.00	\$13,100.00	1
5	DEZIEL MARK E & MICHELLE R	2783	LEGION	AVE N	2783	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120016	\$22,900.00	\$9,800.00	\$13,100.00	1
6	PROPERTY RESTORATION MANAGEMENT INC	2790	LEGION	AVE N	28727	149TH	AVE	NEW AUBURN	WI	54757	2402921210025	\$22,900.00	\$9,800.00	\$13,100.00	1
7	SHANLEY STEVEN D & ROSALIE	2797	LEGION	AVE N	2797	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120015	\$22,900.00	\$9,800.00	\$13,100.00	1
8	WINKELS BRADLEY J & MOLLY A	2814	LEGION	AVE N	2814	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210024	\$22,900.00	\$9,800.00	\$13,100.00	1
9	ALPERS JEFF	2817	LEGION	AVE N	2817	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120014	\$22,900.00	\$9,800.00	\$13,100.00	1
10	DOUGHERTY LILLY ETAL	2832	LEGION	AVE N	2832	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210023	\$22,900.00	\$9,800.00	\$13,100.00	1
11	ADEOSUN SARAH & ADESINA	2837	LEGION	AVE N	2837	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120013	\$22,900.00	\$9,800.00	\$13,100.00	1
12	CITY OF LAKE ELMO				3800	LAVERNE	AVE N	LAKE ELMO	MN	55042	2402921210022	\$9,800.00	\$9,800.00		
13	CITY OF LAKE ELMO	2857	LEGION	AVE N	3800	LAVERNE	AVE N	LAKE ELMO	MN	55042	2402921120012	\$9,800.00	\$9,800.00		
14	FISHER ANGELA	2866	LEGION	AVE N	2866	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210021	\$22,900.00	\$9,800.00	\$13,100.00	1
15	FISHER ANGELA				2866	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210020	\$9,800.00	\$9,800.00		
16	SANDERS JOSEPH J	2871	LEGION	AVE N	2871	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120011	\$22,900.00	\$9,800.00	\$13,100.00	1
17	MURRAY WILLIAM R JR	2891	LEGION	AVE N	2891	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120010	\$22,900.00	\$9,800.00	\$13,100.00	1
18	ROBINETTE RONALD JR & KAREN L	2898	LEGION	AVE N	2898	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210019	\$22,900.00	\$9,800.00	\$13,100.00	1
19	HORNING BRIANA J & ERICK P	2903	LEGION	AVE N	2903	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120009	\$22,900.00	\$9,800.00	\$13,100.00	1
20	THOMAS TYAN J & ELLEN H ESCH	2916	LEGION	AVE N	2916	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210018	\$22,900.00	\$9,800.00	\$13,100.00	1
21	GREWE BRADY	2921	LEGION	AVE N	2921	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120003	\$22,900.00	\$9,800.00	\$13,100.00	1
22	OLSON GERALD C & CANDYCE J	2932	LEGION	AVE N	2932	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210013	\$22,900.00	\$9,800.00	\$13,100.00	1
23	JENSEN ANTON H	2939	LEGION	AVE N	2939	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120004	\$22,900.00	\$9,800.00	\$13,100.00	1
24	HUTTS SARAH	2955	LEGION	AVE N	2955	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120005	\$22,900.00	\$9,800.00	\$13,100.00	1
25	SULLIVAN GAIL C	2968	LEGION	AVE N	2968	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210014	\$22,900.00	\$9,800.00	\$13,100.00	1
26	SULLIVAN WILLIAM T & GAIL C				2968	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210015	\$9,800.00	\$9,800.00		
27	JARA MICHAEL L & MARIE D	2971	LEGION	AVE N	2971	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120001	\$22,900.00	\$9,800.00	\$13,100.00	1
28	GARNER DONALD J & JERILYN M	2988	LEGION	AVE N	2988	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210037	\$9,800.00	\$9,800.00		
29	CORCORAN SUSAN D	2995	LEGION	AVE N	2995	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120044	\$9,800.00	\$9,800.00		
TOTAL												\$572,400.00	\$284,200.00	\$288,200.00	22



**CITY OF LAKE ELMO****OLD VILLAGE PHASE 7 STREET & UTILITY IMPROVEMENTS**

PROJECT NO. 2022.119

	Feasibility Report Estimate of Cost	Post Bid Alternate B (Recommendation) Estimate of Cost	Post Bid Alternate A Estimate of Cost
<b>Total Project Cost</b>	<b>\$2,820,000</b>	<b>\$3,022,959</b>	<b>\$3,049,559</b>
Street and Storm Sewer	\$944,000	\$985,318	\$983,502
<i>Assessment Amount</i>	\$9,800	\$9,800	\$9,800
<i>Assessed Parcels</i>	29	29	29
<i>Assessment Revenue (2 city parcels included)</i>	\$284,200	\$284,200	\$284,200
<i>City Share</i>	\$659,800	\$701,118	\$699,302
Sanitary Sewer	\$1,368,000	\$1,581,095	\$1,610,556
<i>Assessment Amount</i>	\$13,100	\$13,100	\$13,100
<i>Assessed Parcels</i>	22	22	22
<i>Assessment Amount</i>	\$288,200	\$288,200	\$288,200
<i>City Share</i>	\$1,079,800	\$1,292,895	\$1,322,356
Watermain (Water Enterprise Fund)	\$508,000	\$456,546	\$455,501



PROJECT SCHEDULE  
CITY OF LAKE ELMO

**FOCUS** ENGINEERING, inc.

Cara Geheren, P.E.	651.300.4261
Jack Griffin, P.E.	651.300.4264
Ryan Stempski, P.E.	651.300.4267
Chad Isakson, P.E.	651.300.4283

OLD VILLAGE PHASE 7 STREET AND UTILITY IMPROVEMENTS  
PROJECT NO. 2022.119

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JUNE 21, 2022	Council authorizes Topographic Survey and Preliminary Design.
SEPTEMBER 6, 2022	Council authorizes preparation of the Feasibility Report.
NOVEMBER 1, 2022	Presentation of Preliminary Design and Feasibility Report. Council accepts Report and calls Improvement Hearing. Council Orders the preparation of Plans and Specifications.
NOVEMBER 16, 2022	Neighborhood informational meeting.
DECEMBER 6, 2022	Public Improvement Hearing. Council Orders the Improvement (4/5th Vote).
FEBRUARY 21, 2023	Council approves Plans and Specifications and orders Advertisement for Bids.
MARCH 7, 2023	Council calls Assessment Hearing. Publication in local paper March 10, 2023.
MARCH 23, 2023	Project Bid Date: Receive contractor bids.
APRIL 4, 2023	Council holds Assessment Hearing and adopts final assessment roll. Council accepts bids and awards contract.
MAY 15, 2023	Conduct Pre-Construction Meeting and issue Notice to Proceed. <ul style="list-style-type: none"><li>• OCTOBER 27, 2023 Substantial Completion.</li><li>• JUNE 28, 2024 Final Completion.</li></ul>

*\*Final Assessment Hearing Schedule TBD*