

**LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, SEPTEMBER 23, 2003
CITY HALL, 7:00 P.M.**

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. CALL MEETING TO ORDER AT 7:00 P. M.

2. ROLL:

Councilmembers:

McCloskey _____ Christensen _____
Gill-Gerbig _____ Giannetti _____
Mayor Dains _____

Staff: Getschow _____

3. APPROVAL OF THE AGENDA

4. APPROVAL

- A. Approval of minutes of 9/9/03 City Council Meeting
- B. Approval of claims totaling \$45,170.76

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

FILE

6. **CONSENT**
7. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS**
8. **INFORMATIONAL PRESENTATIONS**
9. **REPORTS**
10. **PUBLIC HEARINGS**

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

- A. 2002 Street and Utility Improvements Special Assessment Roll
11. **ACTION**
 - A. Resolution 092303A: A Resolution Approving the 2002 Street and Utility Improvements Special Assessment Roll
 - B. Appointment of Election Judges for the 2003 General Election
12. **ITEMS REMOVED FROM THE CONSENT AGENDA**
13. **ADDITIONAL ITEMS**
14. **SET AGENDA FOR NEXT MEETING**
15. **ADJOURNMENT**

**Lauderdale City Council
Meeting Minutes
September 9, 2003**

1. Meeting called to order at 7:00 P.M.

2. ROLL

Council present: Christensen, Giannetti, McCloskey, Gill-Gerbig and
Mayor Dains

Staff present: Administrator Getschow

3. APPROVAL OF THE AGENDA

A. Approval of Agenda. Motion by Giannetti, second by McCloskey to approve the agenda. Motion carried unanimously.

4. APPROVAL

A. Approval of Minutes. Motion by Christensen, second by McCloskey to approve the minutes of the August 26, 2003 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$60,148.99. Motion by McCloskey, second by Gill-Gerbig to approve the claims totaling \$60,148.99. Motion carried unanimously.

C. Approval of Pay Request #5 for the 2003 Street and Utility Improvements for S.M. Hentges and Sons in the amount of \$232,683.70. Motion by Giannetti, second by McCloskey to approve Pay Request # 5 for the 2003 Street and Utility Improvements in the amount of \$232,683.70. Motion carried unanimously.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA
6. CONSENT
7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/
CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS
8. INFORMATIONAL PRESENTATIONS
9. PUBLIC HEARINGS
10. ACTION

A. *Resolution 090903A: A Resolution Levying Taxes for 2003 Payable in 2004 (2004 Preliminary Levy)*. The City Administrator presented the City Council with two options for the 2004 preliminary tax levy that included:

Option A - keeping the tax levy the same (0% increase) at \$480,000;
Option B – increasing the levy 3.3% to \$496,000;

The Administrator stated that Option A was selected for the 2001 and 2003 Levy and resulted in a decrease in the tax rate in those years. The Administrator then summarized the 2001 Legislative reforms of the state class rates, whereby even a lowering of the levy could not lower the city tax rate. Since things have now leveled off since that reform, choosing the no levy increase option will once again lower the city tax rate.

If the Council chooses Option A, the city tax rate will decrease from 32.4% to 28.8%. This means that the proposed 0% levy increase would bring tax bills down by the same percentage that the city tax rate is decreasing. The average residential tax bill in Lauderdale (on a \$125,700 house) will decrease by \$45.35 or 11.1%, assuming property values are equal.

The Administrator stated that this option has been factored into the preliminary 2004 Budget. To allow for this option, expenditures in the 2004 General Fund Budget have been proposed to be cut by 3%. This cut, and a no levy increase option, also follows a \$75,000 cut of state aid into the General Fund revenue stream.

The Administrator then discussed Option B. This option captures a small percentage of the 11% tax capacity (city property value) increase. Also, the city tax rate will decrease from 32.4% to 29.9%. This means that the proposed 3.3% levy increase would bring tax bills down by the same percentage that the city tax rate is decreasing. The average residential tax bill in Lauderdale (on a \$125,700 house) will decrease by \$30.67 or 7.5%, assuming property values are equal.

This 3.3% increase is the highest increase proposed since it still does not trigger the need for an official Truth-In-Taxation hearing. All Minnesota cities with a population over 500 are required to hold Truth-In-Taxation hearings if their property tax levy increase is greater than the implicit price deflator which is 3.3481%.

The Administrator stated that the City could function well with the 0% increase, which was factored into the 2004 proposed Budget. It produces an overall budget that is much tighter and possesses much less wiggle room than in previous years- but it is workable.

The Mayor and Council members discussed approving Option B, with the possibility that they could lower the levy to the Option A amount. The \$16,000 in more levy funds can be utilized since the proposed budget is tight. Discussion then ensued regarding sticking with Option A now (0% levy increase) as opposed to trying to work back to this levy amount at a later date.

Motion by Christensen, second by McCloskey to approve Resolution 090903A: A Resolution Levying Taxes for 2003 Payable in 2004 for \$480,000 [0% levy increase and the same levy as 2003]. Roll: Yes: all. Motion carried.

B. Approval of a City of Lauderdale Fixed Assets Policy. Administrator Getschow stated that Assistant to the City Administrator Bownik drafted a Fixed Assets Policy for Council approval that was reviewed and approved by the City Auditor. This is a component of the Council goal in 2003 to begin to comply with the Government Accounting Standards Board, Rule 34 (GASB 34) that takes effect in Lauderdale with the 2004 financial statements. Other subsequent activities will include creating a capital assets list, reclassifying revenues, and creating a management discussion and analysis for the financial statements. These tasks will be completed with the assistance of the fixed assets software, which was purchased from Banyon Data Systems in 1999.

Motion by Gill-Gerbig, second by Giannetti to approve the Lauderdale Fixed Assets Policy. Roll: Yes: all. Motion carried.

11. REPORTS

A. *Metropolitan Council Livable Communities (LCDA) Opportunities Grant-Larpenteur Avenue Corridor Redevelopment Application.* The City Administrator stated that the City Council approved a resolution in May of 2003 supporting the application for a Metropolitan Council Livable Communities Demonstration Account (LCDA) Opportunities Grant to explore the possible future redevelopment of the Larpenteur Avenue corridor.

The potential creation of a master plan for the future redevelopment of this corridor has been a City Council goal since 2000. In fact, the city last applied for Livable Communities grant funding in 2001 but was unsuccessful. The Administrator was pleased to announce that in 2003, the City has been approved for \$20,000 of grant funding by the Metropolitan Council. In approving the grant, the Community Development Committee of the Metropolitan Council suggested that staff members be assigned to assist Lauderdale in the preliminary stages of the implementation of the grant.

In the opinion of the Metropolitan Council, Larpenteur Avenue fits the concept of a "Livable Community" that encourages redevelopment that is orientated toward a transit and pedestrian friendly environment in neighborhoods with a mix of residential and commercial uses that are essential to daily life. Funding under this grant would provide for a corridor study and/or development plan. The study could be undertaken with the assistance of the Council and a potentially appointed task force.

The Council was extremely pleased to hear the news of the grant award and appreciated the work that the staff had done in putting the application together. They look forward to working with the Metropolitan Council on this endeavor.

12. ITEMS REMOVED FROM THE CONSENT AGENDA

13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING

1. Public Hearing on the Assessment Roll for the 2002 Improvements
2. Resolution Approving the Assessment Roll for the 2002 Improvements
3. Appointment of Election Judges for the 2003 General Election

15. ADJOURNMENT

Motion by Gill-Gerbig, second by Christensen to adjourn at 7:48 P.M. Ayes: All.

CITY OF LAUDERDALE

Claims for Approval

September 23, 2003 City Council Meeting

<u>Payroll</u>		
09/12/03 Payroll:	Check # 7426-7430	\$6,138.42
09/12/03 Payroll:	EFT: Federal Withholding Taxes/FICA	\$2,476.21
09/12/03 Payroll:	EFT: PERA	\$1,035.10
09/12/03 Payroll:	EFT: ICMA Retirement Fund	\$1,280.43
<u>Vendor Claims</u>		
09/23/03 Claims:	Check # 16544-16562	\$34,780.60

Subtotal of Claims From Above **\$45,710.76**

Total Claims for Approval	\$45,710.76
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CITY OF LAUDERDALE

Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
007426	000000011	BOWNIK, JAMES	19	BI-WEEKLY	\$1,000.43	9/12/03	Outstanding
007427	000000003	GETSCHOW, RICK	19	BI-WEEKLY	\$1,874.79	9/12/03	Outstanding
007428	000000002	HINRICHS, DAVID C	19	BI-WEEKLY	\$1,237.08	9/12/03	Outstanding
007429	000000005	HUGHES, JOSEPH A	19	BI-WEEKLY	\$1,213.28	9/12/03	Outstanding
007430	000000037	WALSH, KEVIN	19	BI-WEEKLY	\$812.84	9/12/03	Outstanding
007425		VOID	19		\$0.00	9/12/03	Void
					\$6,138.42		

CITY OF LAUDERDALE
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SEPTEMBER 2003

			Check Amt	Invoice	Comment
10100 NORTH STAR CHECKING					
Paid Chk#	016544	9/23/03	AMERICAN ENGINEERING TESTING		
	E 413-48410-304	ENGINEERING	\$1,702.56	23868	'03 st/util concrete/soil test
	Total AMERICAN ENGINEERING TESTING		\$1,702.56		
Paid Chk#	016545	9/23/03	AT & T		
	E 101-41200-391	TELEPHONE/PAGERS	\$1.73	9/23/03	09/03 long distance
	Total AT & T		\$1.73		
Paid Chk#	016546	9/23/03	BFI		
	E 203-50000-389	SUPER CYCLE	\$2,415.00	9/23/03	08/03 recycling
	Total BFI		\$2,415.00		
Paid Chk#	016547	9/23/03	BIFFS, INC.		
	E 101-45200-427	PORTA POTTY RENTAL	\$70.26	w200767	park biffy thru 9/2
	Total BIFFS, INC.		\$70.26		
Paid Chk#	016548	9/23/03	CINTAS		
	E 601-49000-425	CLOTHING	\$74.46	9/23/03	9/8, 9/15 pw uniforms
	Total CINTAS		\$74.46		
Paid Chk#	016549	9/23/03	CITY OF FALCON HEIGHTS		
	E 101-42200-322	FIRE FALSE ALARMS	\$359.00	9/23/03	08/03 false fire calls
	E 101-42200-321	FIRE CALLS	\$1,436.00	9/23/03	08/03 fire calls
	Total CITY OF FALCON HEIGHTS		\$1,795.00		
Paid Chk#	016550	9/23/03	CITY OF ST ANTHONY		
	E 101-42100-319	POLICE CONTRACT	\$19,266.66	771	10/03 police services
	Total CITY OF ST ANTHONY		\$19,266.66		
Paid Chk#	016551	9/23/03	EICHER, DIANA		
	E 101-45100-371	NON-RESIDENT REIMBURSEM	\$6.00	9/23/03	rv rec nonresi reimbursement
	Total EICHER, DIANA		\$6.00		
Paid Chk#	016552	9/23/03	ESCHELON TELECOM, INC		
	E 101-41200-391	TELEPHONE/PAGERS	\$301.25	480403	09/03 city hall phone
	Total ESCHELON TELECOM, INC		\$301.25		
Paid Chk#	016553	9/23/03	LILLIE SUBURBAN NEWS		
	E 101-41600-309	DELIVERY	\$578.00	9/23/03	08/03 roseville review deliver
	Total LILLIE SUBURBAN NEWS		\$578.00		
Paid Chk#	016554	9/23/03	MET-COUNCIL ENVIRONMENTAL SER.		
	E 601-49000-387	MCES CHARGES	\$6,638.67	761968	10/03 wastewater treatment
	Total MET-COUNCIL ENVIRONMENTAL SER.		\$6,638.67		
Paid Chk#	016555	9/23/03	NORTH STAR BANK, PETTY		
	E 101-45100-371	NON-RESIDENT REIMBURSEM	\$6.00	9/23/03	nonresi reimb rv rec s wilbert
	E 101-41200-308	TRAINING/CONFERENCES	\$10.00	9/23/03	mnagc meeting kevin

CITY OF LAUDERDALE
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SEPTEMBER 2003

			Check Amt	Invoice	Comment
E 101-41200-201	GENERAL SUPPLIES		\$11.18	9/23/03	coffee
E 101-41200-331	TRAVEL EXPENSE		\$17.64	9/23/03	mileage kevin
Total NORTH STAR BANK, PETTY			\$44.82		
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Paid Chk# 016556	9/23/03	POSTMASTER			
E 101-41200-203	POSTAGE		\$111.00	9/23/03	stamps for city hall
Total POSTMASTER			\$111.00		
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Paid Chk# 016557	9/23/03	QWEST			
E 101-41200-391	TELEPHONE/PAGERS		\$2.16	9/23/03	final city hall phone thru 9/8
Total QWEST			\$2.16		
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Paid Chk# 016558	9/23/03	RAMSEY COUNTY, PROP REC & REV			
G 101-21706	HOSPITALIZATION/MED INSURANC		\$936.97	risk612	09/03 employee benefits
Total RAMSEY COUNTY, PROP REC & REV			\$936.97		
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Paid Chk# 016559	9/23/03	ROTARY CLUB OF ROSEVILLE, MN			
E 101-41200-438	DUES & SUBSCRIPTIONS		\$252.00	9/23/03	3q03 dues/meetings
Total ROTARY CLUB OF ROSEVILLE, MN			\$252.00		
<hr/>					
Paid Chk# 016560	9/23/03	SPRINT PCS			
E 601-49000-391	TELEPHONE/PAGERS		\$9.93	9/23/03	09/03 pw cell phone
E 101-43100-391	TELEPHONE/PAGERS		\$9.92	9/23/03	09/03 pw cell phone
Total SPRINT PCS			\$19.85		
<hr/>					
Paid Chk# 016561	9/23/03	WALTER'S RUBBISH			
E 101-45200-384	REFUSE DISPOSAL		\$38.92	233104	09/03 garbage service
E 101-43100-384	REFUSE DISPOSAL		\$38.93	233104	09/03 garbage service
Total WALTER'S RUBBISH			\$77.85		
<hr/>					
Paid Chk# 016562	9/23/03	XCEL ENERGY			
E 601-49000-383	GAS UTILITIES		\$8.42	9/23/03	08/03 city garage util
E 101-43100-381	ELECTRIC		\$5.18	9/23/03	08/03 city garage util
E 101-45200-381	ELECTRIC		\$7.57	9/23/03	08/03 city park util
E 101-43100-383	GAS UTILITIES		\$8.43	9/23/03	08/03 city garage util
E 101-45200-383	GAS UTILITIES		\$19.26	9/23/03	08/03 city park util
E 101-43200-381	ELECTRIC		\$432.33	9/23/03	08/03 street lighting
E 601-49000-381	ELECTRIC		\$5.17	9/23/03	08/03 city garage util
Total XCEL ENERGY			\$486.36		
10100 NORTH STAR CHECKING			\$34,780.60		

CITY OF LAUDERDALE
***Check Detail Register©**

SEPTEMBER 2003

	Check Amt	Invoice	Comment
Fund Summary			
			10100 NORTH STAR CHECKING
101 GENERAL FUND	\$23,926.39		
203 RECYCLING FUND	\$2,415.00		
413 '03 ST/UTIL CONSTRUCTION FUND	\$1,702.56		
601 SEWER UTILITIES	\$6,736.65		
	<u>\$34,780.60</u>		

Lauderdale City Council Memorandum

Council Meeting Date: September 23, 2003
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: Resolution 092303A: Resolution Approving the 2002 Street and Utility Improvements Assessment Roll

BACKGROUND:

At the August 12, 2003 Council meeting, the Council ordered the preparation of proposed assessment rolls for the 2002 Street and Utility Improvements. At the August 26, 2003 Council meeting, the Council accepted the proposed assessment roll and called a public hearing on the assessment roll. The public hearing was set at that meeting for September 23, 2003.

As a prelude to the public hearing, I will provide information on the Assessment Policy, project financing, and details regarding how payments can be made. Also, the City Engineer will be on hand at the public hearing to provide specific information on the improvement project. In addition to a brief presentation, the City Engineer will be made available during the hearing and after his presentation if residents wish to discuss specific items related to the project following any of their statements at the public hearing.

It is suggested that if property owners have individual complaints about the quality of construction or issues regarding project deficiencies, these should be referred to the City Engineer outside of the Council Chambers.

If there are significant issues in this area that affect the assessment, action on the assessment roll may need to be delayed. It should be noted that even though the final wear course paving was recently completed, there are minor clean-up and correction items such as the repair of the sewer line under Highway 280 that may still need to be completed and should not affect the assessment roll. The 2002 Improvements are covered under a one-year contract warranty period. Again, these corrections should not affect the adoption of the assessment roll.

Public Hearing Format:

The **Mayor** announces the purpose of the hearing and the format for the meeting.

He states that the Council is considering the assessment roll for the 2002 Street and Utility Improvement project. The Council by simple majority may approve the assessment roll. However, if staff and the City Engineer need time to address major concerns, we may have to wait for final approval on the assessment roll until October 14, 2003. *(Note: This has not occurred for the 2000 or 2001 Improvements when the assessment roll was adopted immediately following the hearing.)*

The **City Engineer** provides a summary of the construction of the 2002 Street and Utility Improvements.

The **City Administrator** provides a background on statutory procedures, project financing, the assessment policy, senior citizen deferments, and payment options.

The **City Administrator** then reads written statements, if any, objecting to assessments from affected property owners in regard to each project.

The **Mayor** opens the public hearing. He asks residents to approach the podium, identify themselves, and provide their street address. (A sign-up sheet may be needed for organizing residents who wish to speak).

The **Mayor** closes the public hearing.

City Council action on the improvement. The Council should approve Resolution 092303A: A Resolution Adopting the Assessment for the 2002 Street and Utility Improvements.

Official Appeals:

It should be noted that a written appeal for an assessment can be made to the Mayor or Administrator, and then to the District Court within 30 days after the adoption of the assessment; however, no appeal on the amount of assessment can be made unless it is made in writing before the meeting or presented to the Mayor during the public hearing. There is an attachment in the packet that explains this in more detail.

Deferment:

The senior citizen deferral mechanism that is outlined in the assessment policy manual and included in this packet is available through application at Ramsey County.

2002 Proposed Final Assessment Roll

Property ID No. (PIN)	Address	Front Footage	Assessable Front Footage	Policy Notes	Assess Rate	Assessment Street	Total
17-29-23-23-0032	1927 Malvern	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0033	1923 Malvern	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0034	1924 Walnut	120	80.00		\$54.10	\$4,328.00	
17-29-23-23-0035	1936 Walnut	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0036	1938 Walnut	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0037	1944 Walnut	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0038	1948 Walnut	80	80.00		\$54.10	\$4,328.00	
17-29-23-23-0039	1954 Walnut	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0040	1960 Walnut	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0041	1964 Walnut	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0042	1966 Walnut	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0043	1970 Walnut	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0044	1974 Walnut	103.08	80.00	Corner Lot (DM)	\$54.10	\$4,328.00	
17-29-23-23-0046	MNDOT	36.3	36.30		\$54.10	\$1,963.83	
17-29-23-23-0047	MNDOT	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0059	MNDOT	80	80.00		\$54.10	\$4,328.00	
17-29-23-23-0060	1959 Walnut	80	80.00		\$54.10	\$4,328.00	
17-29-23-23-0061	1955 Walnut	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0062	1951 Walnut	80	80.00		\$54.10	\$4,328.00	
17-29-23-23-0063	1943 Walnut	40	40.00		\$54.10	\$2,164.00	
17-29-23-23-0066	1925 Walnut	80	80.00		\$54.10	\$4,328.00	
17-29-23-23-0067	1935 Walnut	120	80.00		\$54.10	\$4,328.00	
17-29-23-24-0025	1951 Pleasant	100	80.00		\$54.10	\$4,328.00	
17-29-23-24-0026	1943 Pleasant	75	75.00		\$54.10	\$4,057.50	
17-29-23-24-0067	1937 Pleasant	75	75.00		\$54.10	\$4,057.50	
17-29-23-24-0061	1929 Pleasant	100	80.00		\$54.10	\$4,328.00	
17-29-23-24-0029	2375 Roselawn	48.5	48.50		\$54.10	\$2,623.85	
17-29-23-24-0030	1930 Carl	48.5	48.50		\$54.10	\$2,623.85	
17-29-23-24-0031	1932 Carl	50	50.00		\$54.10	\$2,705.00	
17-29-23-24-0032	1934 Carl	50	50.00		\$54.10	\$2,705.00	
17-29-23-24-0033	1938 Carl	50	50.00		\$54.10	\$2,705.00	
17-29-23-24-0034	1950 Carl	100	80.00		\$54.10	\$4,328.00	
17-29-23-24-0035	1952 Carl	65	65.00		\$54.10	\$3,516.50	

Remaining Schedule:

September 24 to October 24	Prepayment of Assessments (30 days)
October 27 to October 31	Tally of Final Assessment Roll
November 3	Certification of Final Assessment Roll to Ramsey County

ENCLOSURES:

1. Proposed Assessment Roll for the 2002 Street and Utility Improvements
2. Resolution 092303A: A Resolution Adopting the Assessment for the 2002 Street and Utility Improvements
3. Sample Notice mailed to affected residents for the Assessment including the attachment "Frequently Asked Questions Regarding the Assessment" that was provided with the notice.
4. Lauderdale Assessment Policy Manual, pages 1-24
5. Information Sheet- "Appeals to District Court"

COUNCIL ACTION REQUESTED:

1. Conduct the Public Hearing.

AND

2. If no major issues arise at the hearing, the Council will want to approve Resolution 092303A: A Resolution Adopting the Assessment for the 2002 Street and Utility Improvements.

2002 Proposed Final Assessment Roll

Property ID No. (PIN)	Address	Front Footage	Assessable Front Footage	Policy Notes	Assess Rate	Total Street Assessment
17-29-23-23-0001	1975 Eustis	147.88	80.00	Corner Lot (DM)	\$54.10	\$4,328.00
17-29-23-23-0002	1963 Eustis	80	80.00		\$54.10	\$4,328.00
17-29-23-23-0003	1955 Eustis	120	80.00		\$54.10	\$4,328.00
17-29-23-23-0004	1947 Eustis	60	60.00		\$54.10	\$3,246.00
17-29-23-23-0005	1939 Eustis	60	60.00		\$54.10	\$3,246.00
17-29-23-23-0006	1937 Eustis	80	80.00		\$54.10	\$4,328.00
17-29-23-23-0007	1921 Eustis	80	80.00		\$54.10	\$4,328.00
17-29-23-23-0008	1922 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0009	1926 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0010	1932 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0011	1936 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0012	1938 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0013	1944 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0014	1948 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0015	1950 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0016	1954 Malvern	60	60.00		\$54.10	\$3,246.00
17-29-23-23-0017	1962 Malvern	60	60.00		\$54.10	\$3,246.00
17-29-23-23-0018	1964 Malvern	60	60.00		\$54.10	\$3,246.00
17-29-23-23-0019	1972 Malvern	47	47.00		\$54.10	\$2,542.70
17-29-23-23-0020	1976 Malvern	80.98	80.00	Corner Lot	\$54.10	\$4,328.00
17-29-23-23-0021	1975 Malvern	83.98	80.00	Corner Lot	\$54.10	\$4,328.00
17-29-23-23-0022	1971 Malvern	52	52.00		\$54.10	\$2,813.20
17-29-23-23-0023	1963 Malvern	52	52.00		\$54.10	\$2,813.20
17-29-23-23-0024	1961 Malvern	80	80.00		\$54.10	\$4,328.00
17-29-23-23-0025	1953 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0026	1951 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0027	1947 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0028	1945 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0029	1941 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0030	1933 Malvern	40	40.00		\$54.10	\$2,164.00
17-29-23-23-0031	1931 Malvern	40	40.00		\$54.10	\$2,164.00

2002 Proposed Final Assessment Roll

Property ID No. (PIN)	Address	Front Footage	Assessable Front Footage	Policy Notes	Assess Rate	Assessment Street	Total
17-29-23-24-0036	1962-4 Carl	85	80.00		\$54.10	\$4,328.00	
17-29-23-24-0037	1974 Carl	147.52	80.00		\$54.10	\$4,328.00	
17-29-23-24-0038	1975 Carl	116.08	80.00	Corner Lot (DM)	\$54.10	\$4,328.00	
17-29-23-24-0039	1971 Carl	65	65.00		\$54.10	\$3,516.50	
17-29-23-24-0040	1963 Carl	75	75.00		\$54.10	\$4,057.50	
17-29-23-24-0041	1955 Carl	75	75.00		\$54.10	\$4,057.50	
17-29-23-24-0042	1953 Carl	100	80.00		\$54.10	\$4,328.00	
17-29-23-24-0043	1937 Carl	50	50.00		\$54.10	\$2,705.00	
17-29-23-24-0044	1931 Carl	50	50.00		\$54.10	\$2,705.00	
17-29-23-24-0045	2379 Roselawn	98.5	24.63	Corner Lot	\$54.10	\$1,332.21	
17-29-23-24-0046	1926 Eustis	48.5	48.50		\$54.10	\$2,623.85	
17-29-23-24-0047	1930 Eustis	50	50.00		\$54.10	\$2,705.00	
17-29-23-24-0048	1934 Eustis	50	50.00		\$54.10	\$2,705.00	
17-29-23-24-0049	1938 Eustis	50	50.00		\$54.10	\$2,705.00	
17-29-23-24-0050	1942 Eustis	50	50.00		\$54.10	\$2,705.00	
17-29-23-24-0051	1946 Eustis	50	50.00		\$54.10	\$2,705.00	
17-29-23-24-0052	1952 Eustis	100	80.00		\$54.10	\$4,328.00	
17-29-23-24-0053	1966 Eustis	75	75.00		\$54.10	\$4,057.50	
17-29-23-24-0054	1972 Eustis	75	75.00		\$54.10	\$4,057.50	
17-29-23-24-0055	1976 Eustis	81.17	80.00	Corner Lot	\$54.10	\$4,328.00	
		4809.11	4857.43				\$262,786.69

Total cost	Assessable Front Footage	\$ Cost/Front Foot	\$ Cost/Front Foot X 40%
\$664,455.01	4857.43	\$136.79	\$54.10

The above amount is based on pay request #12 after all street work was completed.
 An prelim roll amount of \$745,000 (\$621,237 x 1.20) was based on the project bids
 The Feasibility Report amount was \$754,449.25 and included 28% above a \$585,980 amount from 12/2001

RESOLUTION NO. 092303A

**THE CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

**RESOLUTION ADOPTING THE ASSESSMENT FOR THE
2002 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 of the cost of improving Walnut Street between Roselawn Avenue and Ryan Avenue, Malvern Street between Roselawn Avenue and Ryan Avenue, Eustis Street between Roselawn Avenue and Ryan Avenue, Carl Street between Roselawn Avenue and Ryan Avenue, Pleasant Street between Roselawn Avenue and Ryan Avenue, and all of Ryan Avenue by conducting street reconstruction, sanitary sewer improvements and replacement, water main replacement, storm sewer system improvements, and alley improvements and to improve property west of Walnut Street between Broadway Drive and Como Avenue by conducting sanitary sewer improvements and replacement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAUDERDALE, MINNESOTA:

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 herein, and each tract of land therein included is hereby found to be benefited by the construction of said improvement in the amount of the assessment levied against it.
2. Such assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of the installments to be payable on or before the first Monday in January 2004, and shall bear an interest rate of 6.4 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2003. 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 interest accrued to the date of the payment, to the City of Lauderdale, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City of Lauderdale the entire amount of the assessment remaining unpaid, with interest accrued to the December 31 of the year in which the 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 Administrator 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 Lauderdale City Council this 23rd day of September, 2003.

I CERTIFY THAT the above resolution was adopted by the City Council of Lauderdale this 23rd day of September, 2003.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

The City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota • 55113

Phone: 651.631.0300 • Fax: 651.631.2066

www.ci.lauderdale.mn.us

September 5, 2003

Full Name

Address

Lauderdale, MN 55113

<p style="text-align: center;">CITY OF LAUDERDALE NOTICE OF PUBLIC HEARING ON THE PROPOSED ASSESSMENT FOR THE LAUDERDALE 2002 STREET AND UTILITY IMPROVEMENTS</p>
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NOTICE IS HEREBY GIVEN that the City Council will meet at 7:00 p.m. on Tuesday, September 23, 2003 in the Council Chambers at Lauderdale City Hall located at 1891 Walnut Street in said City to consider, and possibly adopt, the proposed assessment for the improvement of Walnut Street between Roselawn Avenue and Ryan Avenue, Malvern Street between Roselawn Avenue and Ryan Avenue, Eustis Street between Roselawn Avenue and Ryan Avenue, Carl Street between Roselawn Avenue and Ryan Avenue, Pleasant Street between Roselawn Avenue and Ryan Avenue, and all of Ryan Avenue by conducting street reconstruction, sanitary sewer improvements and replacement, water main replacement, storm sewer system improvements, and alley improvements and to improve property west of Walnut Street between Broadway Drive and Como Avenue by conducting sanitary sewer improvements and replacement. Adoption by the Council of the proposed assessment may occur at the hearing.

The amount to be specially assessed against your particular lot, piece, or parcel of land at _____ is \$ _____

Such assessment is proposed to be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January, 2004 and will bear interest at the rate of 6.5 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 the assessment resolution until December 31, 2004. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

You may at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment.

You may at any time thereafter, pay to the County Auditor 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 6.5 percent per year. The right to partially prepay the assessment according to the Lauderdale Assessment Policy Manual is available.

The proposed assessment roll is on file for public inspection at the City Administrator's office. The total amount of the proposed assessment is \$265,782.48. 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 City Administrator 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.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination, and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota rules of evidence will not be strictly applied; however, they may be considered and argued to the council as to the weight of items of evidence or testimony presented to the Council.
5. The entire proceedings will be tape-recorded (video-taped).
6. At the close of presentation of evidence, the objector may make a final presentation to the Council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes § 429.081 by serving notice of the appeal upon the Mayor or City Administrator of the City 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 City Administrator.

Under Minnesota Statutes § 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment for any homesteaded property owned by a person 65 years of age or older for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of this law and the ordinance adopted under it may, within 30 days of the confirmation of the assessment, apply to the City Administrator for the prescribed form for such deferral of payment of this special assessment on his or her property.

I have also enclosed an information sheet that summarizes this proposed assessment and the assessment notice.

Please feel free to contact me with any questions or concerns that you may have.

Sincerely,
CITY OF LAUDERDALE

Richard B. Getschow
City Administrator

FREQUENTLY ASKED QUESTIONS REGARDING THE STREET AND UTILITY IMPROVEMENT ASSESSMENT

- **WILL I BE BILLED OR INVOICED FOR THIS SPECIAL ASSESSMENT?**

No. You do not receive a bill or an invoice for the assessment with a due date because it is placed on the property tax statement. This notice would essentially be your invoice. While the special assessment is not a property tax, it is placed on the property tax statement and spread out over a period of ten years with an interest rate of 6.5%.

For example, if your assessment amount were \$3,500.00, your property tax statement in 2004 would show an annual principal amount of \$350.00 along with the annual interest amount that is calculated against the outstanding principal balance. Therefore, the \$350.00 principal amount is the same throughout the ten years while the annual interest amount decreases each year as you lower your principal balance.

- **WHAT IF I WANT TO PAY OFF THE ENTIRE ASSESSMENT BEFORE IT APPEARS ON NEXT YEAR'S PROPERTY TAX STATEMENT?**

Approximately 15-20% of those assessed prepay their assessment before it appears on the property tax statement the following year. This prepayment must be made within (30) thirty days of the approval of the assessment roll to avoid any interest installments.

With this project, the prepayment period is scheduled to be from September 24 to October 24, 2003. During this time frame, payment must be made directly to the City of Lauderdale for the entire amount assessed. Following this date, the City certifies the remaining assessment amounts and sends the assessment roll to Ramsey County. After October 24, any pre-payment arrangements must be made through Ramsey County. Under no circumstances can full prepayment occur after November 15, 2003.

- **WHAT IF I WANT TO PAY JUST PART OF THE ASSESSMENT BEFORE IT APPEARS ON NEXT YEAR'S TAX STATEMENT?**

The City of Lauderdale does allow this. The same rules apply as above, except that whatever remaining balance is not pre-paid is spread over a ten-year period on the property tax statement with interest.

(over)

- **WHAT IF I DO NOT WANT TO PAY DURING THE PREPAYMENT PERIOD?**

You are not required to pay anything at this time. As stated above, if the assessment is not prepaid in the 30-day period it is placed on the property tax statement over a ten-year period and collected through the property tax statement or your mortgage escrow. It is your choice.

- **WHAT IF I DO NOT PAY DURING THE PREPAYMENT PERIOD, BUT WANT TO PAY OFF THE BALANCE AT A FUTURE DATE?**

In any given year, you can pay off the remaining principal balance of the assessment with interest accrued through the year in which you pay. There would be no payment due for interest in future years. This must always occur by November 15 for interest not to be charged for the following year. All arrangements for payment are made through Ramsey County.

For example, if in the Summer of 2004 you wish to pay off the original \$3,500.00 assessment, you would need to pay Ramsey County \$3,150 by November 15, 2004. The amount is \$3,150 because the first \$350.00 installment and applicable interest was placed on your 2004 tax statement following November 15, 2003. (i.e., $\$3,500.00 - \$350.00 = \$3,150$)

- **WHO DO I CONTACT AT RAMSEY COUNTY REGARDING THE SPECIAL ASSESSMENT AFTER THE CITY CERTIFIES IT TO THE COUNTY?**

The Ramsey County Property Records and Revenue Department deals with special assessment inquiries and payment issues. Their number is 651-266-2000.

SECTION 1: GENERAL POLICY STATEMENT

The purpose of this assessment policy manual is to set forth a guide of policies and procedures to be followed by the City of Lauderdale in making improvements and charging special assessments to finance such improvements.

Minnesota State Statutes, Chapter 429, provides that a municipality shall have the power to make public improvements such as sanitary sewers, storm sewers, water source and distribution facilities, street improvements including grading, curb & gutter, surfacing, sidewalks and street lighting. The various procedures that a municipality must follow in regards to financing public improvements are well defined within the law.

The special assessment is a device used to finance these public improvements desired by a particular neighborhood or area. The beginnings of use of the special assessment dates back over three hundred years. It has now grown to be an essential and reliable source of municipal revenue.

A. CHARACTERISTICS AND APPLICATIONS

Special assessments are defined by three distinct characteristics:

1. They are compulsory charges used to finance particular public improvement programs.
2. The special assessments are charged only against those particular parcels of property deemed to receive some special benefit from the program.
3. The amount of the assessment bears some relationship to the value of the benefits received:
 - (a) the assessment must be confined to property specially benefited;
and
 - (b) the amount of the assessments must not exceed the special benefits.

In theory, special assessments are frequently regarded as more equitable than property taxes because a more direct benefit is received from the improvements undertaken. Also, special assessments are only imposed on real estate, and they are never levied upon personal and/or movable property.

Special Assessments have three important applications:

1. *Financing New Improvements.* The assessments are frequently used to finance the opening and surfacing of streets, installation of utility lines, construction of curb and gutter, and the provision of street lighting.
2. *Financing Redevelopment.* When commercial and residential neighborhoods are confronted with deterioration, special assessments can be utilized in a variety of ways to good advantage to redevelop and revitalize an area.
3. *Financing Major Infrastructure Maintenance Programs.* Large-scale repairs and maintenance operations on streets, sidewalks, sewers and similar facilities can and often should be financed with special assessments.

SECTION 2: INTENT

The policies contained in this document establish and delineate a procedure for undertaking public improvements and levying special assessments pursuant to Minnesota State Statutes. This policy should be viewed as a starting point for conducting assessments for public improvement projects. When an improvement conveys special benefit to properties in a definable area, the City intends to levy special assessments on those benefited properties to finance such improvements. It shall be the policy of the City of Lauderdale that the amount of the assessment for public improvements should not exceed the special benefit to the property. The City will use the assessment policy to insure that assessments have a reasonable relationship to benefits. Public improvements include the construction and reconstruction of streets, sidewalks, storm sewer, sanitary sewer, water works, street lighting, or any other public improvements allowed by State law.

When applying this assessment policy manual the City Council reserves the right to adjust the policy so as to achieve a more equitable distribution. This may occur in the event that the literal application of the provisions outlined herein would result in an inadequate distribution of special assessments.

The City maintains the right to apply this policy differently for the purposes of fairness and equity. It should also be noted that any errors or omissions in this policy are not to be held against the City of Lauderdale.

SECTION 3: GENERAL ASSESSMENT POLICY

A. TYPES OF IMPROVEMENTS

This policy shall relate only to those public improvements allowable under Minnesota State Statutes, Chapter 429. Those public improvements include, but are not limited to, the following:

- Street Improvements; including curb, gutter, grading, graveling, and surfacing
- Sanitary sewer system improvements
- Water utility system improvements
- Storm sewer and drainage systems
- Planting, trimming, care and removal of trees
- Sidewalks
- Street lighting systems
- Service charges that are unpaid for the cost of rubbish removal from sidewalks, weed elimination, and the elimination of public health or safety hazards, upon passage of appropriate ordinances.

B. INITIATION OF IMPROVEMENTS

The initiation of public improvement projects may occur in one of three ways:

1. *Petition of not less than 35% of property owners.* An improvement project can begin with a signed petition by the owners of not less than 35% of the frontage of the real property abutting the proposed improvements. This improvement can only be ordered after a public hearing.
2. *Petition of 100% of property owners.* An improvement project can begin with a signed petition by the owners of 100% of the frontage of the real property abutting the proposed improvements. This improvement does not require a public hearing, and may be ordered by the City Council by a simple majority vote if the petitioning property owners agree to pay 100% of the costs of the improvements.

3. *City Council Initiation.* No petition is needed. This improvement can only be ordered after a public hearing. The resolution ordering the improvement must be adopted by four-fifths (4/5) vote of the City Council.

A complete outline of the public improvement process is provided in Section 9.

C. GENERAL DEFINITIONS

1. *Project Cost.* The "project cost" of an improvement shall be deemed to include the costs of all necessary construction work required to accomplish the improvement, including expenses incurred or to be incurred in making the improvement that includes engineering, consulting, legal, administration, financing, easements, right-of-way acquisition, and other contingent costs.
2. *City Cost.* Where the project cost of an improvement is entirely attributable to the need for service to the areas served by said improvement, or whereas unusual conditions beyond the control of the property owners in the area served by the improvement would result in inequitable distribution of special assessments, the City, through the use of other funds, may negotiate such "city costs" which, in the opinion of the City Council, represents those costs not directly attributable to the area served.
3. *Assessable Cost.* The "assessable cost" of an improvement shall be defined as those costs which, in the opinion of the City Council, are attributable to the need for service in the areas served by the improvement and are not in excess of the special benefit conveyed to the property by the improvements.
4. *Use of Other Funds.* If financial assistance is received from the federal government, from the State of Minnesota, or from any other source to defray a portion of the cost of a given improvement, such aid will first be used to reduce the city cost of the improvement.

Project Cost – City Cost – Use of Other Funds = Assessable Cost

5. *City Property.* City-owned property, including municipal building sites, park, nature areas, but not including public streets and alleys shall be regarded as being assessable on the same basis as if such property was privately owned.

6. *Application of Policy.* In the event the literal application of the provisions outlined herein would result in an inadequate distribution of special assessments in the opinion of the City Council, the Council reserves the right to adjust the policy so as to achieve a more equitable distribution. Such adjustment may be based on current or anticipated land use.

SECTION 4: METHOD OF ASSESSMENT

A. DEFINITIONS

The assessable costs of the improvement shall be distributed among the affected property owners according to the methods outlined in this section. The following shall apply in determining assessable costs:

1. Adjusted Front Footage shall be expressed to the nearest foot.
2. Measures of dimension, distance, or size shall be based on recorded platting data, wherever possible.

B. FRONT FOOT METHOD

Improvement costs are commonly distributed according to the "adjusted front footage" of a parcel or lot. In this method, the city determines a rate of assessment per front foot. The result is an assessment that applies to each parcel as follows:

Assessment = Assessment rate per front foot x parcel's adjusted front footage

Because individual parcels can differ considerably in shape and area, the following procedures will be used to calculate what the adjusted front footage is for particular parcels.

1. *Rectangular Interior (Standard) Lots.* For rectangular interior lots, the footage equals the dimension of the side of the lot abutting the improvement.

When improvements are made to only one side of a corner lot where the long side of the lot is affected, 25 percent (25%) of the adjusted front footage of the long side will be assessed for improvement.

A series of lots (two or more) under common ownership shall be considered as one parcel or lot for determining which is the short or long side of a property.

5. *Double Frontage Lots.* If a parcel comprises frontage on two streets and is eligible for subdivision, then an adjusted front footage assessment will be charged along each street. For double frontage lots lacking the necessary depth for subdivision, the property will be assessed on the basis of the average of the two frontages.

If the double frontage lot is a corner lot, the entire short side shall be treated as one side to be assessed at 25%.

C. AREA METHOD

Assessments may be distributed according to the gross area of the benefited lot or parcel. The assessable area shall be expressed in terms of the number of acres or the number of square feet subject to assessment.

$$\text{Assessment} = \text{Assessment rate per acre or sq. ft.} \times \text{area to be assessed (acres or sq. ft.)}$$

Where appropriate, an allowance will be made for streets. When the area is platted, a deduction will be made for the actual and proposed street right-of-way. For unplatted land with no streets platted or proposed, a deduction of 20% of the gross acreage applies as a street credit.

D. UNIT/WEIGHTED LOT METHOD

When the City Council determines that the assessable cost would be more equitably distributed on a unit basis, all lots will be reviewed for conformity and a standard lot size will be determined. Any lot that could be divided to form more than one lot shall be given a weighted lot or residential equivalent unit. Each residential equivalent unit shall be charged with one assessment charge.

New subdivisions will generally use the unit/weighted lot method for all improvements.

SECTION 5: STREET IMPROVEMENTS

A. NEW STREET CONSTRUCTION

Street construction is defined as the initial installation of a permanent street into an area, consisting of the necessary grading, base, hard surfacing (bituminous or concrete), and curb and gutter.

1. *Policy.* Street construction will occur only after all utilities and utility service lines have been installed to serve each known and assumed location. No street construction shall be approved for less than both sides of a street except as necessary to complete the improvement of a block that has previous partial completion.
2. *Method of Assessment.* The assessable costs for street construction shall be distributed among benefited properties on an adjusted front footage or unit basis.

3. *Assessable Cost.* The assessable cost equals 100 percent (100%) of the entire project cost for the street construction including intersections, alley openings, and street openings.

B. STREET RECONSTRUCTION AND RESURFACING

Street reconstruction and resurfacing is defined as the rehabilitation of an existing street. Street reconstruction and resurfacing projects shall include but are not limited to the following:

- *Rehabilitation of an existing street:* Reconstruction of an existing street including but not limited to grading, necessary drainage, curb and gutter and hard surfacing.
 - *Cold in place recycling and repaving (CIR/Repaving):* Recycling of existing deteriorated pavements by pulverizing, mixing with new asphaltic oils and compacting in place. New paving materials are then placed over the cold recycled pavement similar to a standard overlay.
 - *Bituminous Overlay:* Placement of an additional bituminous layer, generally one to two inches thick, over an existing bituminous surfaced street.
 - *Concrete Pavement Restoration:* Replacement of existing concrete panels which have deteriorated, mud jacking panel to improve rideability, and the filling of joints and cracks with a petroleum-based material to eliminate flow of water to the base below the surface.
1. *Method of Assessment.* The assessable costs for street construction shall be distributed among benefited properties on an adjusted front footage basis.
 2. *Assessable Cost.* The front footage assessment rate shall be determined by dividing the project cost by the total number of adjusted front feet in the project area x the individual adjusted front footage x 40 percent (2/5 or 0.40). The assessments per adjusted front foot may vary depending on the underlying zoning of a parcel.
 3. *Front Foot Maximum.* For single-family residential units and duplexes, the maximum amount of footage to be assessed for individual adjusted front footage for each parcel or lot shall be eighty (80) feet.

C. MAINTENANCE

Maintenance is a cost-effective measure to extend the useful street life of a particular roadway and to delay street reconstruction needs. Maintenance projects shall include but are not limited to the following:

- *Crack Sealing* - Placement of petroleum-based material in the cracks of a bituminous surfaced street for the purpose of eliminating the flow of water from the surface to the aggregate base material below.
 - *Bituminous Seal Coating* - Placement of petroleum-based material and aggregate on an existing bituminous surfaced street for the purpose of filling cracks and covering mild wear.
 - *Bituminous Surfacing Patching* - Repair or replacement of existing bituminous surfacing or portions of surfacing which has deteriorated.
1. *Assessable Costs.* Maintenance improvements are not assessable costs.

D. APPURTENANCES

Appurtenances are items such as sidewalks, street lighting, or trees that are often encountered during street improvement projects.

1. *Policy.* Appurtenances to new street construction, street reconstruction or resurfacing projects shall be included in the cost of the street improvement project and assessed according to those methods and policies. Appurtenances constructed or provided separate from new street construction; street reconstruction or resurfacing projects shall be assessed 100% of the entire project cost.

SECTION 6: SANITARY SEWER AND WATER IMPROVEMENTS

A. SANITARY SEWER AND WATER - MAINS AND TRUNKS

Repair and replacement of sanitary sewer or water mains are usually done in conjunction with a street improvement project, when needed.

1. *Assessable Costs.* New Sanitary sewer and water main improvements are 100 percent assessed to benefiting properties. Replacement sanitary sewer and water main improvements are not assessable costs.

B. SANITARY SEWER AND WATER - INDIVIDUAL SERVICES

For individual services, the City shall maintain and improve, if necessary, all service lines between the individual property line and the city main in the public right-of-way.

All service lines from buildings to the property line are the responsibility of the benefited property.

1. *Assessable Cost.* Individual sanitary and water individual services are not assessable costs.

SECTION 7: STORM SEWER SYSTEM IMPROVEMENTS

Storm drainage and ponding/basin systems are usually constructed to serve a specific drainage or "watershed" area. The cost of storm system and drainage improvements shall not be assessed pursuant to this policy. In 1994, the City established a Storm Water Drainage Utility (City Code 8-3-1) in the City of Lauderdale. The revenues collected for this Utility are intended to fund the general operating costs of the storm and drainage system, along with capital improvements associated with this overall system.

SECTION 8: SUPPLEMENTAL ASSESSMENT GUIDELINES

A. SUPPLEMENTAL ASSESSMENT AND REASSESSMENT

The City Council may, subject to legal notice and hearing requirements, make supplemental assessments to correct omissions, errors, or mistakes in the relating to the total cost of the improvement or any other particular item. If an assessment is set aside by a court for any reason or if the Council finds that the assessment or any part of it is excessive or determines on the advice of the City Attorney that it is or may be invalid for any reason, the Council may upon notice and hearing as required for the original assessment, make a reassessment or a new assessment as to such parcel or parcels.

B. PRELIMINARY PLAT CONSIDERATION

Land could be considered for assessment based on preliminary plat consideration. The consideration will occur only when the following scenario exists:

The City Council has approved the preliminary plat; and
A public hearing ordering the improvement project has not yet occurred.

In the event this exists, assessment frontages may be calculated based upon the proposed lot configuration within the preliminary plat. Road right-of-way within the proposed street alignment will not be subject to assessment

C. TAX-EXEMPT PROPERTY

Other than land under city ownership, there are three categories of tax exempt property. Said properties are to be assessed as follows:

1. All aspects of this policy apply to tax-exempt property with the exception of Section 5 (B) entitled street reconstruction and resurfacing. The front footage assessment rate for tax-exempt shall be determined by dividing the project cost by the total number of adjusted front feet in the project area x the individual adjusted front footage. It is important to note that the assessments should not exceed the special benefits conferred.
2. State land is subject to assessment based upon procedures set forth in Minnesota State Statutes, Section 435.19, subd.2.
3. County land and land owned by all other local taxing jurisdictions is subject to assessment and shall be assessed in the same manner as if it were privately owned, subject to the limitations set forth in Minnesota State Statutes, Section 435.19, subd.1, as long as the assessments do not exceed the special benefits conferred.

D. COMMERCIAL PROPERTY

All aspects of this policy apply to commercial property with the exception of Section 5 (B) entitled street reconstruction and resurfacing. The front footage assessment rate for commercial property shall be determined by dividing the project cost by the total number of adjusted front feet in the project area x the individual adjusted front footage.

E. MULTIPLE DWELLING UNITS

Multiple dwelling units are defined for the purposes of this policy as those that consist of three or more dwelling units. All aspects of this policy apply to multiple dwelling units with the exception of Section 5 (B) entitled street reconstruction and resurfacing. The front footage assessment rate for multiple dwelling units shall be determined by dividing the project cost by the total number of adjusted front feet in the project area x the individual adjusted front footage. It is important to note that the assessments should not exceed the special benefits conferred.

F. TOWNHOUSES AND CONDOMINIUMS

All aspects of this policy apply to townhouses and condominiums with the exception of Section 5 (B) entitled street reconstruction and resurfacing. The front footage assessment rate for townhouses and condominiums shall be determined by dividing the project cost by the total number of adjusted front feet in the project area x the individual adjusted front footage. It is important to note that the assessments should not exceed the special benefits conferred.

G. TAX FORFEITURE ASSESSMENTS

When a parcel of tax forfeited land is returned to private ownership, and the parcel is benefited by an improvement for which special assessments were canceled because of the forfeiture, the City may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to the parcel in an amount equal to the remaining unpaid on the original assessment.

H. NEW DEVELOPMENTS AND SUBDIVISIONS

The improvement costs of new subdivisions shall be the sole responsibility of the property developer except consideration shall be given for assessing any other properties that receive special benefit from the improvements.

I. ASSESSMENT OF NON-CITY ROADS

The City reserves the right to assess its share of county road projects to properties along county roads in the same manner as city streets are assessed.

SECTION 9: LOCAL IMPROVEMENT PROCESS

A. INITIATION OF PROCEEDINGS

Improvement project proceedings may be initiated in any one of the three (3) following ways:

- Petition by not less than thirty five percent (35%) of the affected property owners determined by front footage.
- Petition by 100% of the affected property owners.
- By order of the City Council.

B. PROCEDURAL STEPS FOR PROJECTS WHICH ARE NOT 100% PETITIONED

An improvement project that is initiated by action of the City Council or by a 35% petition may be ordered only after a public hearing. The following are the procedural steps that must be followed by the City Council prior to the ordering of an improvement if it is not initiated by a 100% petition.

1. *Feasibility Report.* Prior to adopting a resolution calling a public hearing on an improvement, the City Council must secure from the City Engineer a report advising it in a preliminary way:
 - a.) as to whether the proposed improvement is feasible;
 - b.) as to whether it should be made as proposed or in connection with some other improvement; and
 - c.) the estimated cost of the improvement.

[See "Resolution Ordering a Preparation of Report on the Improvement" attached in the Appendix as Form 4A]

2. *Resolution Calling Public Hearing.* The City Council must adopt a resolution calling a public hearing on the improvement project. Mailed and published notice of the hearing must be given as described in the next paragraph below. The notice of public hearing must include the following information:
 - a.) the time and place of the public hearing;
 - b.) the general nature of the improvements;
 - c.) the estimated costs; and
 - d.) the area proposed to be assessed

[See "Resolution Receiving Report and Calling Hearing on Improvement" attached in the Appendix as Form 5]

3. *Mailed Notice of Hearing to Property Owners Proposed to be Assessed.* Not less than ten (10) days before the hearing, the notice of hearing must be mailed to the owner of each parcel in the area proposed to be assessed. For purposes of determining who is to receive notice, the owners of the property are those shown on the records of the county auditor, or in any county where the City Treasurer mails tax statements. The owners of property that is tax exempt or subject to taxation on a gross earnings basis shall be as certified by any practicable means.

[See "Notice of Hearing on Improvement" attached in the Appendix as Form 6]

4. *Published Notice of Hearing.* The notice of public hearing must be published in the city's legal newspaper at least twice, each publication being at least one week apart, with the last publication occurring at least three days prior to the hearing.
5. *Resolution Ordering the Improvement.* The resolution ordering the improvement must be adopted within six months of the date of the public hearing by a four-fifths vote of the City Council, unless the improvement was initiated by a thirty-five percent (35%) petition, in which event it may be adopted by a majority vote. The resolution may reduce, but not increase, the extent of the improvement as stated in the notice.

[See "Resolution Ordering Improvement and Preparation of Plans" attached in the Appendix as Form 7]

C. PROCEDURAL STEPS FOR 100% PETITIONED PROJECTS

Improvement projects, which are initiated by a 100% petition, may be ordered by the City Council without a public hearing if the petitioning property owners agree to pay 100% of the costs of the improvements. If any portion of the cost of the improvements including issuance costs of the bonds, such as discount, capitalized interest and legal fees, are not included in the amount assessed, but are to be repaid by an ad valorem property tax levy, a public hearing must be held.

The following are the procedural steps for a 100% petitioned project:

1. *Petition.* The City Council must receive a petition which is both signed by all of the owners of the real property abutting any street named as the location of the improvement, and states that they agree to pay 100% of the cost of the improvements.

[See "100% Petition for Improvements" attached in the Appendix as Form 1]

2. *Resolution Determining Sufficiency of Petition and Ordering Improvement.* Upon receipt of the 100% petition, the City Council must determine that it has been signed by 100% of the owners of the affected property, and that they have agreed to pay 100% of the costs of the improvements. After making this determination, the project may be ordered without a public hearing.

D. ISSUANCE OF BONDS

At any time after the City Council has ordered the improvements, the City Council may issue its general obligation bonds to finance the cost of the improvements. In the event of any omission, error or mistake in any of the proceedings precedent to the ordering of the improvements, state law provides that the validity of the bonds will not be affected by such deficiencies. However, deficiencies in these proceedings may result in property owners successfully appealing the special assessments levied against their property.

The resolution authorizing the issuance of the bonds will contain covenants by the City Council that at least 20% of the cost of each improvement project will be specially assessed against the benefited property, and the City Council will take all further actions and proceedings necessary in order for the final and valid levy of special assessments. These two covenants are necessary in order for the bonds to be issued without an election.

E. LETTING CONTRACTS

1. *Ordering Plans and Specifications.* After the ordering of an improvement project, the City Council must order the preparation of plans and specifications. This may be included as part of the resolution ordering the improvement.

[See "Resolution Ordering Improvements and Preparation of Plans" attached in the Appendix as Forms 7 and 7A]

2. *Advertisement for Bids.* If the estimated cost of the improvement exceeds \$25,000, bids must be advertised for in the legal newspaper and such other papers and for such length of time as the City Council deems desirable. If the estimated cost of the improvement exceeds \$100,000, the advertisement must be in a paper published in a first class city or in a trade paper not less than three (3) weeks before the last date of the submission of the bids. The notice must contain the following information:
 - a.) the work to be done;
 - b.) the time when the bids will be publicly opened, which must not be less than ten (10) days after the first publication of the advertisement when the estimated cost is less than \$100,000, and not less than three (3) weeks after publication in all other cases; and
 - c.) a statement that no bids will be considered unless they are sealed and accompanied by cash, a cashier's check, bid bond, or certified check for such percentage of the bid as specified by the City Council.

[See "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" attached in the Appendix as Form 9]

3. *Award of Contracts.* The City Council must either award the contract to the lowest responsible bidder or reject all bids. The contract must be awarded no later than one year after the adoption of the resolution ordering the improvement, unless the resolution ordering improvement specifies a different time limit.

[See "Resolution Accepting Bid" attached in the Appendix as Form 12]
[See "Sample Contract" attached in the Appendix as Form 13]

If:

- a.) the initial cost of the entire work does not exceed \$25,000;
- b.) if no bid is submitted after advertisement; or
- c.) if the only bids are higher than the engineer's estimate;

the City Council may purchase the materials and order the work done by day labor or in any manner it deems proper. If the estimated cost exceeds \$10,000, the work must be supervised by the City Engineer or some other qualified person.

F. SPECIAL ASSESSMENT PROCEDURES

The cost of any improvement undertaken in accordance with the procedures set forth in Chapter 429 may be specially assessed, in whole or in part, upon property benefited by the improvement, whether or not the property abuts on the improvement. The area to be assessed may be less than, but not more than, the area proposed to be assessed as stated in the notice of public hearing on the improvement.

1. *Resolution Determining Amount to be Specially Assessed.* After the expense incurred or to be incurred in the completion of an improvement has been calculated, the City Council must determine the amount it will pay and the amount to be specially assessed.

[See "Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment" attached in the Appendix as Form 22]

The City Clerk, with the assistance of the engineer or other qualified person, must calculate the amount to be specially assessed against every parcel of land. The assessment roll must be filed with the City Clerk and available for public inspection.

2. *Resolution Calling Public Hearing on Assessments.* A public hearing on the special assessments must be held following published and mailed notice thereof as described below. The notice of public hearing must include the following information:
 - a.) date, time, and place of the meeting;
 - b.) the general nature of the improvement;
 - c.) the area proposed to be assessed;
 - d.) the total amount of the proposed assessment;
 - e.) that the assessment roll is on file with the City Clerk;
 - f.) that written or oral objections will be considered;
 - g.) that no appeal may be taken as to the amount of the assessments unless a written objection signed by the affected property owner is filed with the City Clerk prior to the hearing or presented to the presiding officer at the hearing;
 - h.) that the owner may appeal the assessment to the district court by serving notice on the Mayor or City Clerk within three (3) working days after the adoption of the assessment and filing notice with the court within ten (10) days after such appeal to the Mayor or City Clerk; and
 - i.) any deferment procedures established by the City Council for senior citizens.

[See "Resolution Calling for Hearing on Proposed Assessments" attached in the Appendix as Form 24]

3. *Published Notice.* The notice of the assessment hearing must be published in the legal newspaper at least once, not less than two weeks prior to the hearing.
4. *Mailed Notice.* The City Clerk must mail notice of the assessment hearing to the owner of each parcel described in the assessment roll at least two weeks prior to the hearing. For purposes of giving mailed notice, the owners shall be those shown on the records of the county auditor, or in any city where tax records are mailed by the City Treasurer. The mailed notice must also include, in addition to the information required to be in the published notice, the following information:
 - a.) the amount to be specially assessed against that particular lot, piece, or parcel of land;
 - b.) adoption by the City Council of the proposed assessment may be taken at the hearing;
 - c.) the right of the property owner to prepay the entire assessment and the person to whom the prepayment must be made;
 - d.) whether partial prepayment of the assessment has been authorized by ordinance;
 - e.) the time within which prepayment may be made without the assessment of interest; and
 - f.) the rate of interest to accrue if the assessment is not prepaid within the required time period.

[See "Affidavit of Mailing of Assessment Hearing Notice" attached in the Appendix as Form 25A]

5. *Adoption of Assessments.* At the hearing or any adjournment thereof, the City Council may adopt the assessments as proposed or adopt the assessments with amendments. If the adopted assessment differs from the proposed assessment, the City Clerk must mail the owner a notice stating the amount of the adopted assessment. Owners must also be notified by mail of any changes in interest rates or prepayment provisions from those contained in the notice of the proposed assessment.

[See "Resolution Adopting Assessment" attached in the Appendix as Form 26]

6. *Transmittal of Assessments to the County Auditor.* After the adoption of the assessment, the City Clerk must transmit a certified duplicate copy of the assessment roll to the county auditor.

[See "Certificate to the County Auditor" attached in the Appendix as Forms 28 and 28A]

In the alternative, the City Council may direct the City Clerk to file the assessment roll in the Clerk's office and to certify annually to the county auditor, on or before October 10th in each year, the total installments of principal and interest thereon to become due in the following year. With the certification of the assessments to the county auditor, the procedures under Minnesota State Statutes, Chapter 429 are complete.

SECTION 10: SPECIAL ASSESSMENTS FOR CURRENT SERVICES

The City Council may provide for the collection of certain service charges as a special assessment against the property benefiting from the service. Special charges that may be assessed include, but are not limited to, those as defined by State Statutes.

SECTION 11: CONDITIONS OF PAYMENT OF ASSESSMENTS

Minnesota State Statutes, Chapter 429, provide the City with considerable discretion in establishing the terms and conditions of payment of special assessment by property owners. Chapter 429 does establish two precise requirements regarding payment. First, the property owner has thirty (30) days from the date of adoption of the assessment roll to pay the assessment in full without interest charge (429.061, subd. 3). Second, all assessments shall be payable in equal annual installments extending over a period not exceeding thirty (30) years from the date of adoption of the assessment roll (429.061, subd. 2). The conditions of payment established in this section follow the requirements of Chapter 429 and seek to balance the burden of payment of the property owner with the financing requirements imposed by debt issuance.

A. TERMS OF ASSESSMENT

The City shall collect payment of special assessments in equal annual installments of principal for the period of years indicated from the year of adoption of the assessment roll by the following types of improvements:

- Sanitary Sewer System Improvements 10-25 years
- Water System Improvements 10-25 years
- Street System Improvements (street, alley, curb and gutter) 10-25 years
- Appurtenances 10-25 years
- Improvement District 5-10 years

In some cases, improvements that are undertaken could warrant longer or shorter terms. For example, a separate sidewalk improvement may be assessed over a five (5) year period because the costs may be nominal. Also, some major reconstruction projects with several types of improvements could lead to a very high assessment that could create a financial hardship if assessed over a ten (10) year term. A thirty (30) year term could be appropriate in this case. In any event, the assessment term should never exceed the potential life of the improvement.

B. INTEREST RATE

The City most often finds itself required to issue debt in order to finance improvements. Such debt requires that the City pay an interest cost to the holders of the debt with such interest cost varying on the timing, bond rating, size and type of bond issue. In addition, the City experiences problems with delinquencies in the payment of assessment by property owners or the inability to invest prepayments of assessments at an interest rate sufficient to meet the interest cost of the debt. These situations create immediate cash flow problems in the timing and ability to make scheduled bond payments.

Therefore, for all projects financed by debt issuance, the interest rate charged on assessments shall be 2.0% greater than the new interest on the bonds issued, or 2% greater than the current investment rate if the project is funded internally.

C. PREPAYMENT AND ASSESSMENT CERTIFICATION

1. *Partial Prepayment.* After the adoption by the City Council of the assessment roll in any local improvement proceeding, the owner of any property specially assessed in the proceeding may, prior, to the certification of the assessment of the first installment to the County Auditor, pay to the City any portion of the assessment. The remaining unpaid balance shall be spread over the period of time established by the Council for installment payment of the assessment.

2. *Certification of Assessments.* After the adoption of any special assessment by the City Council, the City Clerk shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the County Auditor on an annual basis to be extended on the proper tax lists to the County.

SECTION 12: **HARDSHIP DEFERRALS**

Minnesota State Statutes Chapter 435.193, allows the City, at its own discretion, to defer the payment of any assessment for any homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make the payments.

A. POLICY

In determining whether or not a senior citizen is eligible for deferral of special assessment installment payments, the following criteria are established:

1. *Effective Date.* Senior citizen special assessment hardship deferral applies to special assessments levied after the date of the Policy.
2. *Application.* Senior citizen special assessment hardship deferral applies to qualifying special assessments against all properties classified as "homestead" pursuant to Minnesota State Statutes Chapter 273, where one or more owners of such a property is 65 years of age or older and it would create a hardship for the owner or owners of the property to pay the special assessment installments as they become due.
3. *Hardship Defined.* It shall be presumed that a hardship exists if:
 - (a) the annual assessment installment exceeds 1 percent (1%) of the previous year's total adjusted gross incomes, for Federal Income Tax purposes, for all owners of the property. In no event shall "total adjusted gross income" include Social Security benefits, railroad retirement benefits, retirement benefits attributable to employee contributions, disability benefits, personal injury awards or workmen's compensation payments; and
 - (b) all owners of the property verify, under oath, that they meet the criteria for establishing a hardship by completing an application provided by the City;

4. *Exceptional Cases.* In cases where exceptional and unusual circumstances exist, the City Council may determine that a hardship exists despite the fact that the minimum income requirements as defined in this section do not exist. Such cases shall be decided by the City Council on a case-by-case basis.

B. INTEREST

Interest will be charged on any assessment deferred pursuant to this policy at a rate equal to the rate charged on other assessments for the particular public improvement project that the assessment is financing.

C. TERMINATION OF DEFERMENT

The option to defer the payment of special assessments pursuant to this Ordinance shall terminate and all installment amounts previously deferred, plus applicable interest, shall become due upon the occurrence of any of the following events:

- Request of the property owner
- Death of the property owner 65 years of age and older, providing the surviving owner is otherwise not eligible for the deferral
- Sale, transfer, or subdivision of the property or any part thereof
- The City determines that the hardship no longer exists
- The property, for any reason, loses its homestead status

SECTION 13: FINANCING

A. AUTHORITY

At any time after one or more improvements are ordered, the City Council may issue obligations in such amount as it deems necessary to defray in whole or in part the costs incurred and estimated to be incurred in making the improvements.

B. TYPES OF OBLIGATIONS

Obligations used to finance public improvement projects are called improvement bonds. The proceeds from the sale of the improvement bonds are used to fund project costs. The improvement bonds are then paid off as the funds become available through collection of special assessments and any taxes levied for that purpose. Improvement bonds carry the City's general obligation pledge.

C. METHOD OF ISSUANCE

All improvement bonds shall be issued in accordance with the provisions of Minnesota State Statutes, Chapter 475. If twenty percent (20%) or more of the cost of the improvement or improvements is to be assessed against benefited properties, no election is required prior to issuing the improvement bonds and the improvement bonds do not count against the City's statutory debt limit.

D. CONSOLIDATING PROJECT FINANCING

If several public improvements are being carried out at the same time, the City Council reserves the right to consolidate all necessary financings into one improvement project for the purpose of issuing improvement bonds. This election will be made at the time of the public hearing on the improvements.

27. Appeals to District Court

Within 30 days after the adoption of the assessment, any person aggrieved may appeal to the district court by serving a notice upon the mayor or clerk; however, no appeal may be taken on the amount of the assessment unless a written objection signed by the property owner is filed with the city clerk prior to the assessment hearing or is presented to the presiding officer at the hearing. (Minn. Stat. 429.061, subd. 1.) The notice of appeal must be filed with the clerk of the district court within ten days after the service on the city.


The city clerk is required to furnish the person appealing a certified copy of objections filed in the assessment proceedings, the assessment roll or part complained of, and all papers necessary to present the appeal.

The appeal is placed upon the calendar of the next general term of the district court commencing more than five days after the date of serving the notice and is tried like other appeals in such cases. If the person appealing does not win his case, the costs of the appeal are taxed by the court and judgment entered for them. All objections to the assessment are waived unless presented on such appeal (Minn. Stat. 429.081) except the defense of payment or exemption of the property from assessment. (*State v. Roselawn Cemetery Association*, 259 Minn. 479, 108 N.W.2d 305 (1961)). On appeal the district court must either affirm the assessment or set it aside and order a reassessment.

These provisions for appeals to the district court are the exclusive method of appeal from a special assessment levied under the local improvement code. (Minn. Stat. 429.081.) Thus, it is not possible to contest such an assessment under the statute providing for contesting property tax levies. (Minn. Stat. 278.01, subd. 3.)

As stated earlier, the statute does not require notification of affected landowners, either by publication or personally, of the final approval of the assessment. While the Minnesota Supreme Court held in *Imperial Refineries of Minnesota, Inc. v. City Rochester*, 282 Minn. 481, 165 N.W.2d 699 (1969), that the notices of hearing on the improvement and on the assessment satisfied the requirement of due process without the constitutional need for a notice of the final approval of the assessment, the council may wish to provide for such notice on grounds of fairness to the property owner as well as to avoid the possibility of judicial challenge in the future if the courts continue to expand the concept of due process in such cases. As pointed out earlier, the notice of the assessment hearing must now state that the owner may appeal his assessment to the district court within 30 days after the adoption of the assessment; however, property owners may easily miss the deadline if they are not informed directly when the 30-day period begins.

M E M O S B Y J A M E S

DATE: SEPTEMBER 23, 2003
TO: HONORABLE MAYOR AND COUNCIL 
FROM: JAMES BOWNIK, A2CA
RE: ELECTION JUDGE APPOINTMENTS FOR NOVEMBER 4, 2003
CITY AND SCHOOL BOARD ELECTION

BACKGROUND

Below is a list of residents we would recommend appointing to serve as election judges for the November 4, 2003 City and School Board Election. Judges must attend a two-hour training session as required by State Law. This training session is scheduled to take place the week of October 27, 2003.

Election judges were paid \$7.00 per hour in 2002 (\$8.00 for the head judge), and the City of Lauderdale supplies breakfast, lunch and dinner.


Barlow, Evelyn	1947 Eustis Street	631-1566
Gordon, Eleanor	2309 Lone Street	645-5637
James, Ginny	1825 Lake Street	645-2519
Kruger, Regina	2379 Roselawn Avenue	631-1219
Lawrence, Donna	1815 Lake Street	644-6927
Mangen, Marian	1959 Walnut Street	631-0312
Matheny, Virginia	1974 Walnut Street	633-9163
Schmidt, Mae	1774 Eustis Street	646-4768
Hawkinson, Denise	1855 Fulham Street	644-8083

Cities are to try to have as equal representation from the four major parties as possible. Currently, the four major parties are Republican, Democratic-Farmer-Labor, Green, and Independence. Cities are also required to have the list of judges appointed by the City Council.

COUNCIL ACTION REQUESTED

Motion to approve the attached list of election judges for the November 4, 2003 City and School Board Election.

Memos by James

DATE: September 23, 2003
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, A2CA 
RE: RESOLUTION AUTHORIZING AN INVESTMENT ACCOUNT WITH
PERSHING LLC (a transfer agent for Northland Securities)

BACKGROUND

At the beginning of the year, the City Council approves depositories and investment institutions for the new year. Northland Securities, an approved investment institution, has changed transfer agents. Pershing LLC, the new transfer agent for Northland Securities, is requiring all accounts for Northland Security to pass a corporate resolution for the purpose of transacting investments with them. This resolution is similar to the resolution passed in 2000 for the Minnesota Municipal Money Market (4M) Fund.

Other requirements (enclosed) are already in place, and include the following:

- 1) Resolution approving the designation of institutions for investment funds.
- 2) Certification of trading authorization.
- 3) Notification to broker and certification by broker.

COUNCIL ACTION REQUESTED

Motion to approve Resolution 092303B relating to the authorization of an investment account with Pershing LLC.

**CORPORATE RESOLUTION
FOR
BROKERAGE INVESTMENT ACCOUNT**

Account Number: _____
Office _____
Registered Rep.'s Name: _____
Registered Rep.'s Number: _____
Name for Filing _____

**EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE CITY
OF LAUDERDALE, MINNESOTA**

HELD: September 23, 2003

Pursuant to due call and notice thereof, a regular meeting of the City Council (the Council) of the City of Lauderdale, (the City), Ramsey County, Minnesota, was duly called and held at the City Hall in the City on September 23, 2003, at 7:00 p.m.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 092303B

**CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

**RESOLUTION AUTHORIZING AN INVESTMENT ACCOUNT WITH
PERSHING LLC**

BE IT RESOLVED by the City Council (the "Council") of the City of Lauderdale, Minnesota, (the "City") as follows:

Section 1. Recitals.

1.01. The City, pursuant to Minnesota Statutes, Sections 118A.01 through 118A.08, has authority to invest "Public Funds" as defined in Minnesota Statutes, Section 118A.01(4).

1.02. Public Funds may be invested in the manner and in the securities detailed in Minnesota Statutes, Sections 118A.04 and 118A.05.

1.03. Minnesota Statutes, Section 118A.02(1) permits the City Council to authorize the treasurer or chief financial officer to make investments.

1.04. The City of Lauderdale is a "Government Entity" as defined in Minnesota Statutes, Section 118A.01(2).

1.05. Subject to compliance with Minnesota Statutes, Section 118A.04(9), the treasurer or chief financial officer may purchase securities through a broker-dealer.

Section 2. Approval of Account/Investments.

2.01. The Financing Director, who is the City's "treasurer or chief financial officer", is authorized to open and maintain an investment account with Pershing LLC through Northland Securities, Inc. ("NSI"), and any Pershing or NSI affiliate, subsidiary, or successor corporation, for the purpose of buying and selling such securities as may be permitted by Minnesota Statutes, Sections 118A.01 through 118A.08. The trading of options, trading on margin, and selling short is not authorized.

2.02. The City Administrator or any duly appointed deputy thereto are authorized to act on behalf of the City with respect to the Pershing/NSI investment accounts without any limitations. This authority includes, but is not limited to, the authority to open and close investment accounts, to execute documents on behalf of the City, to order securities transactions, to order assignment or transfer of securities and distribution of proceeds, and to otherwise make investment decisions on behalf of the City with respect to any investments or investment accounts.

2.03. That Pershing/NSI and all transfer agents are authorized to rely upon the oral or written instructions of the City Administrator without further inquiry into that person's authority to act on behalf of the City. Furthermore, Pershing/NSI and all transfer agents may continue to exercise such reliance until the City provides Pershing/NSI with a certified copy of a resolution of the City revoking or modifying this resolution.

The motion for the adoption of the foregoing resolution was duly seconded by Member _____ and upon voted being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted on September 23, 2003.

(ATTEST)

Jeffrey Dains, Mayor

Richard Getschow, City Administrator

CITY OF LAUDERDALE)
COUNTY OF RAMSEY)SS
STATE OF MINNESOTA)

I, Richard Getschow, the undersigned, being the duly qualified and acting City Administrator of the City of Lauderdale, Ramsey County, Minnesota, DO HEREBY CERTIFY, that I have carefully compared the preceding extract of minutes of a meeting of the City Council of said City held on the date therein indicated with the original minutes thereof on file in my office and that the same is a full, true and correct transcript thereof insofar as said minutes relate to the topic described in the title of the resolution set forth in the extract.

WITNESS my hand officially and the official seal of the City on September 23, 2003.

Richard Getschow, City Administrator

(SEAL)

RESOLUTION NO. 011403A

**CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

DESIGNATION OF INSTITUTIONS FOR INVESTMENT FUNDS

BE IT HEREBY RESOLVED that the following institutions meet all of the requirements set forth in Minnesota State Statutes and in the Lauderdale Investment Policy, and

BE IT FURTHER RESOLVED that the following institutions be designated for investing Lauderdale's idle funds:

Dain Rauscher Investment Services, Minneapolis

Miller Johnson Steichen Kinnard, Minneapolis

Minnesota Municipal Money Market (4M) Fund
c/o Voyager Asset Management, Minneapolis

Northland Securities, Minneapolis

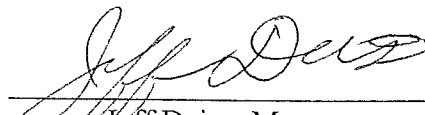
Salomon Smith Barney, St. Paul

US Bancorp Investments, Minneapolis

Wells Fargo Brokerage Services, Minneapolis

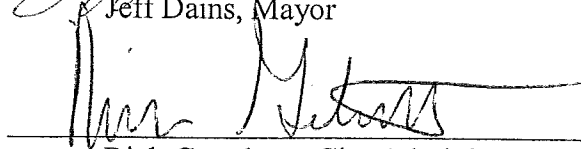
Dated this 14th day of January 2003 by the Lauderdale City Council.

(ATTEST)



Jeff Dains, Mayor

(SEAL)



Rick Getschow, City Administrator

The City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: (651) 631-0300 • Fax: (651) 631-2066

CERTIFICATION OF TRADING AUTHORIZATION

February 4, 2003

Paul Donna
Northland Securities
45 South 7th Street, Suite 2500
Minneapolis, MN 55402

Dear Mr. Donna:

You are hereby authorized to open and maintain one or more accounts (the "Account") on your books in the name of the **City of Lauderdale** (the "Institution") securities and/or other investments transactions specified by our Investment Policy.

I certify that the Investment Policy and/or the Minnesota equivalent, "Notification to Broker and Certification by Broker" dated January, 2003, is the most current Investment Policy to date. I further certify that the provision of this Authorization, as well as our Investment Policy, are in conformity with applicable state and local laws.

The following individuals are hereby authorized and empowered, on behalf of the Institution, to open one or more accounts; enter orders for the purchase and sale of Permissible Investments; make and receive payment of money; give written or verbal instructions; deliver, accept delivery, and register securities; enter into and execute agreements and take any and all action they deem necessary or advisable to effect transactions relating to the Account, all in accordance with the terms and conditions required by **Northland Securities**.

Rick Getschow City Administrator

James Bownik Assistant to the City Administrator

You may deal with any and all of the above individuals as though you were dealing with the Institution directly. This authorization shall continue until written notice of amendment or revocation is received by you, and in the case of such amendment or revocation, shall continue effective as to transactions entered into prior to actual receipt of such notice.

2-4-03
Date

Assistant to the City Administrator
Title

James Bownik
Authorized Individual (sign)

James Bownik
Authorized Individual (print)

NOTIFICATION TO BROKER AND CERTIFICATION BY BROKER
PURSUANT TO MINN. STAT, § 118A.04

I. BROKER INFORMATION

1. Name of Firm: Northland Securities, Inc.

2. Address

local: 45 South 7th Street Suite 2500, Minneapolis, MN 55402

national: same as above

3. Telephone Number: local: 612-851-5900 national: _____

4. Primary representative/manager/partner in charge:

Name and Title: Paul Donna, Vice President, Partner Phone 612-851-5905

II. STATEMENT OF INVESTMENT RESTRICTIONS:

To: Northland Securities, Inc.

Lauderdale is only authorized to invest in those investments complying with the requirements of Minn. Stat. §§ 118A.04, 118A.05 and 118A.06.

James Bowrick
(signed by official of local government)

2-4-03
(date)

III. STATEMENT OF ADDITIONAL INVESTMENT RESTRICTIONS:

Further be advised that Lauderdale restricts its investments as provided:

in the attached Investment Policy

in any attached resolutions of the governing body.

Lauderdale will provide to broker copies of any changes to the Additional Restrictions identified herein.

James Bowrick
(signed by official of local government)

2-4-03
(date)

IV. CERTIFICATION

We agree to conduct your investment transactions in accordance with the Minn. Stat. §§ 118A.04, 118A.05 and 118A.06 and the provisions of any Additional Restrictions set forth in Section III. above.

Basler
(signed by authorized representative of broker)

2-12-03
(date)