

LAUDERDALE CITY COUNCIL MEETING AGENDA

TUESDAY, SEPTEMBER 11, 2001

CITY HALL, 7:30 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 7:30 P. M.

2. ROLL:

Councilmembers:

Gower _____	Christensen _____
Gill-Gerbig _____	Hawkinson _____
Mayor Dains _____	

Staff:

Getschow ____ Bownik ____

3. APPROVAL OF THE AGENDA

4. APPROVAL

- A. Approval of minutes of 8/28/01 City Council Meeting
- B. 2001 Street and Utility Improvements- Pay Request #3
- C. Approval of claims totaling \$ 245,416.90

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.

6. **CONSENT**
7. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING THE 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. 2000 Street and Utility Improvements Special Assessment Roll

11. ACTION

- A. Resolution 091101A: A Resolution Approving the 2000 Street and Utility Improvements Assessment Roll
- B. Resolution 091101B: A Resolution Granting Final Plat Approval for the Broadway Business Park
- C. Hamline Auto Body: Storm Water Management Plan
- D. Hamline Auto Body: Conditional Use Permit Application
- E. Hamline Auto Body: Variance Application
- F. Historic Stone: Conditional Use Permit Application
- G. Resolution 091101C: A Resolution Approving the Lauderdale 2002 Preliminary Levy

12. **DISCUSSION**
13. **ITEMS REMOVED FROM THE CONSENT AGENDA**
14. **ADDITIONAL ITEMS**
15. **SET AGENDA FOR NEXT MEETING**
16. **ADJOURNMENT**

**Lauderdale City Council
Meeting Minutes
August 28, 2001**

1. Meeting called to order at 7:35 P.M.

2. ROLL

Council present: Gill-Gerbig, Christensen, Hawkinson, and Mayor Dains

Council present: Gower

Staff present: Getschow, Bownik

3. APPROVAL OF AGENDA

A. Approval of Agenda. Motion by Christensen, second by Hawkinson to approve the agenda. Motion carried unanimously.

4. APPROVAL

A. Approval of Minutes. Motion by Gill-Gerbig, second by Christensen to approve the minutes of the August 14, 2001 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$24,215.21 . Motion by Hawkinson, second by Gill-Gerbig to approve the claims totaling \$24,215.21. Motion carried unanimously.

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

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/
CITIZEN'S ADDRESSING THE STREET AND UTILITY IMPROVEMENTS

A. 2001 Street and Utility Improvements Update. Paul Heuer, City Engineer, updated the City Council on the status of the project. Most of the construction work is in high gear south of Larpentour Avenue, while the project is concluding north of Larpentour Avenue with the landscaping and driveway work.

8. INFORMATIONAL PRESENTATIONS

9. REPORTS

10. PUBLIC HEARINGS

A. *Preliminary Plat for the Broadway Business Park.*

The Mayor opened the public hearing at 7:48 p.m.

The City Administrator stated that the owner and the applicant have submitted all of the necessary materials for preliminary plat consideration. City Staff, the City Engineer, and the City Attorney have reviewed the plat information. The City Attorney has assisted in creating a preliminary plat resolution for approval that outlines all aspects of approving a final plat by addressing the utility, easement, and title work that is required. Following the approval of the preliminary plat resolution, a final plat could be approved if all necessary conditions are met. One of the main conditions in final plat approval is the execution of a development agreement. This agreement, which deals mainly with easement and utility issues, has been drafted and is currently being reviewed by all affected parties.

The Mayor closed the public hearing at 7:52 p.m.

Kevin Maas, Amcon Construction, stated his need to clarify that number 11 in the conditions of the Resolution for adoption (planning conditions) will be eliminated in the final plat resolution because there are no current or foreseeable planning conditions that would be incorporated into the plat. The City Administrator agreed that this was the case, and that this condition could be removed for the final resolution. Maas also stated Hamline Auto Body's strong desire to place all items needed for approval on the September 11, 2001 agenda.

11. ACTION

A. *Resolution 082801A: A Resolution Granting Preliminary Plat Approval for the Broadway Business Park.* Motion by Gill-Gerbig, second by Hawkinson to approve Resolution 082801A: A Resolution Granting Preliminary Plat Approval for the Broadway Business Park. Roll: Yes: all. Motion carried.

10. PUBLIC HEARINGS

B. Conditional Use Permit Application: Historic Stone.

James Bownik, Administrative Analyst, stated that Historic Stone is applying for a conditional use permit for a supply yard in an I-1 District, at their site at Highway 280 and West Summer Street. Supply yards are listed as an approved conditional use in the I-1 District. The location is just south of the adjacent 6.8-acre site at the corner of Broadway Drive and Highway 280 that the Council has been discussing at recent Council meetings. The tax-forfeited parcel was purchased by Historic Stone earlier this year, and is approximately ½ acre in size.

He stated that the proposed supply yard would consist of recycled natural stone and clay. No retail sales are proposed at this location- there will only be storage of materials. Access to the site is from what was west Summer Street, on the west side of Highway. However, MNDOT did not approve Historic Stone's application for an access permit due to the pending reconstruction of Highway 280. This was in addition to potential safety and traffic concerns. At the time when Highway 280 is reconstructed, MNDOT intends to remove Historic Stone's entrance and establish access control. In the meantime, MNDOT will issue trial period access, conditions of which Bownik summarized from a MNDOT letter. Also, the MPCA stated in a letter to Historic Stone that the soil at the site has been cleaned up and currently meets MPCA standards.

Bownik then discussed with the City Council what should conditions should be considered when evaluating conditional use permits that include such issues as traffic concerns, storm water management, pollution, screening, highway/driveway access, visual impression, and compliance with the City Comprehensive Plan.

The Planning Commission did not meet to discuss the conditional use permit application due to the lack of a quorum, but the two members of the Commission did receive packet information and were encouraged to attend or submit comments. Plan Commission Chair Sisel requested that the Council re-examine the screening plan submitted and requested that actual screening such as trees and vegetation be utilized.

The Mayor opened the public hearing at 8:05 p.m.

Frank Langer, Historic Stone, addressed the City Council regarding his proposed use and permit application. He discussed the type of material to be transported to the site, and how this site compares and/or fits in with other Historic Stone sites. He also addressed the MNDOT "trial period" access permit that was provided to his firm.

The Mayor closed the public hearing at 8:08 p.m.

The City Council expressed concern with traffic issues related to access to this site. There are a few issues that MNDOT still must clarify. Also, the screening plan submitted is also a concern

Kevin Maas, Amcon Construction, also raised the issue of access. The opening into the property is a 16-foot gravel drive. Apparently, 8 feet of this drive is owned by the property to the north and access over this area will not be provided following the development of the site.

Once again, the Council expressed concern with traffic issues, especially in light of this new development. They directed staff to contact MNDOT for more information on these traffic and access permit issues. Also, staff was asked to continue to work with Historic Stone on possibly revising their screening plan.

A break was taken at 9:25 p.m.

The meeting resumed at 9:35 p.m.

11. ACTION

B. Conditional Use Permit Application: Historic Stone. Motion by Gill-Gerbig, second by Hawkinson to table consideration of the conditional use application until the September 11, 2001 meeting. Roll: Yes: all. Motion carried.

C. -D. Resolution 082801A: A Resolution Appointing an LMCIT Insurance Agent and the Approval of 2001-2002 Lauderdale Insurance Policy. The City Administrator gave a brief overview of the 2001-2002 Insurance policy.

Motion by Gill-Gerbig, second by Hawkinson to:

1. Approve Resolution 082801A: A Resolution Appointing an LMCIT Insurance Agent; and
2. Approve the 2001-2002 property, liability, automobile, and worker's compensation insurance policy and to waive the monetary limits on municipal tort liability and to not purchase additional excess liability coverage for the coming year.
Roll: Yes: all. Motion carried.

E. Resolution 082801C: A Resolution Ordering the Preparation of Feasibility Report on the 2002 Street and Utility Improvements. Motion by Christensen, second by Hawkinson to approve Resolution 082801C: A Resolution Ordering the Preparation of Feasibility Report on the 2002 Street and Utility Improvements. Roll: Yes: all. Motion carried.

F. Approval of a Front-Yard Fence at 1836 Carl Street. Bownik stated Barbara DeRosier, 1836 Carl Street, is requesting to reconstruct a fence in the front setback area at her residence. The new fence would be four-foot tall PVC picket fence. The applicant proposes to replace the entire fence, which existed along the side property line on the south side of the property, beginning at the front property line and ending four feet short of the rear property line

According to Lauderdale's City Code, City Council approval is required for the portion of the fence that is proposed for the front setback area.

Motion by Hawkinson, second by Christensen to approve the construction of a front-yard fence at 1836 Carl Street. Roll: Yes: all. Motion carried.

12. DISCUSSION

A. 2002 Budget Discussion. The City Council continued to discuss the 2002 Budget. Discussion focused on Funds 201-601 of the City Budget. Preliminary levy approval is needed by September 15th. The preliminary levy will be certified at the September 11th Council meeting

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

1. 2000 Street and Utility Improvements Assessment Hearing
2. Hamline Auto Body Final Plat
3. Hamline Auto Body Variance
4. Hamline Auto Body Storm Water Management Plan
5. Hamline Auto Body Conditional Use
6. Historic Stone Conditional Use
7. Approval of the 2002 Preliminary Levy

16. ADJOURNMENT

Motion by Hawkinson, second by Gill-Gerbig to adjourn at 10:30 P.M. Ayes: All.



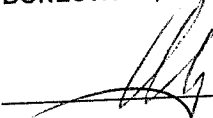
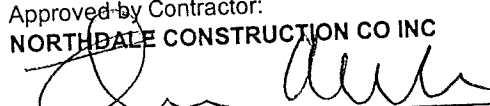
Owner: City of Lauderdale, 1891 Walnut St., Lauderdale, MN 55113	Date: September 6, 2001
For Period: 7/20/2001 to 9/6/2001	Request No: 3
Contractor: Northdale Construction Co. Inc., 14450 Northdale Blvd., Rogers, MN 55374	

CONTRACTOR'S REQUEST FOR PAYMENT
2001 STREET & UTILITY IMPROVEMENT PROJECT
BRA FILE NO. 532-00-101

SUMMARY

		\$ 1,199,956.67
1	Original Contract Amount	\$ 0.00
2	Change Order - Addition	\$ 5,000.00
3	Change Order - Deduction	\$ 1,194,956.67
4	Revised Contract Amount	\$ 787,207.23
5	Value Completed to Date	\$ 0.00
6	Material on Hand	\$ 787,207.23
7	Amount Earned	\$ 39,360.36
8	Less Retainage 5%	\$ 747,846.87
9	Subtotal	\$ 571,260.32
10	Less Amount Paid Previously	\$ 0.00
11	Liquidated damages -	\$ 176,586.55
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. 3	

Recommended for Approval by:
BONESTROO, ROSENE, ANDERLIK & ASSOCIATES, INC.


Approved by Contractor:
NORTHDALE CONSTRUCTION CO INC


Approved by Owner:
CITY OF LAUDERDALE

Specified Contract Completion Date:
June 20, 2002

Date:

No.	Item	Unit	Contract Quantity	Unit Price	Quantity to Date	Amount to Date
Part A1 - Sanitary Sewer						
		LS	1	15500.00	1	\$15,500.00
1	Mobilization	LS	1	11500.00	1	\$11,500.00
2	Traffic control	LF	120	55.50	109	\$6,049.50
3	Sanitary sewer repair	LF	980	3.50	1128	\$3,948.00
4	Remove sanitary sewer pipe	LF	650	3.50	759	\$2,656.50
5	Remove sanitary sewer service pipe	EA	1	500.00	2	\$1,000.00
6	Remove sanitary sewer manhole	EA	97	125.00	38	\$4,750.00
7	Connect to existing sewer service	EA	6	550.00	9	\$4,950.00
8	Connect to existing manhole	LF	930	16.73	607	\$10,155.11
9	8" PVC sanitary sewer, SDR 35, 0'-10' deep	LF	100	21.12	479	\$10,116.48
10	8" PVC sanitary sewer, SDR 35, 10'-20' deep	EA	20	65.93	8	\$527.44
11	8" x 4" PVC wye, SDR 26	EA	12	82.67	20	\$1,653.40
12	8" x 6" PVC wye, SDR 26	EA	43	150.00	10	\$1,500.00
13	Sewer service wye connection	LF	710	13.50	581	\$7,843.50
14	6" PVC, SDR 26 service pipe	LF	1800	12.50	164	\$2,050.00
15	4" PVC, SDR 26 service pipe	LF	1000	0.01	50	\$0.50
16	Improved pipe foundation, per 6" increment	LF	1030	0.51		\$0.00
17	Closed circuit TV inspection	LS	1	4750.00	1	\$4,750.00
18	Bypass pumping					\$88,950.43
	Total Part A1 - Sanitary Sewer					
Part A2 - Water Main						
		LF	3850	4.50	3251	\$14,629.50
19	Remove 6" CIP water main	EA	2	200.00	3	\$600.00
20	Remove hydrant	EA	7	100.00	7	\$700.00
21	Remove water valve box	LF	3950	8.00	3791	\$30,328.00
22	Water main trench	LF	750	11.50	85	\$977.50
23	Water service trench	LF	1500	2.00		\$0.00
24	Improved pipe foundation, per 6" increment	LF	4700	1.50	3791	\$5,686.50
25	Mechanical trench compaction					\$52,921.50
	Total Part A2 - Water Main					
Part A3 - Storm Sewer						
		SY	200	2.25		\$0.00
26	Reclaim bituminous pavement	LF	880	7.50	1228	\$9,210.00
27	Remove storm sewer pipe	EA	11	350.00	10	\$3,500.00
28	Remove catch basin or catch basin manhole	EA	3	500.00	3	\$1,500.00
29	Connect to existing catch basin	EA	1	450.00	1	\$450.00
30	Connect to existing storm sewer	EA	1	275.00		\$0.00
31	Bulkhead existing storm sewer	LF	280	25.36	274	\$6,948.64
32	24" storm sewer, 0'-10' deep	LF	1090	19.06	1088	\$20,737.28
33	15" storm sewer, 0'-10' deep	LF	230	17.96	227	\$4,076.92
34	12" storm sewer, 0'-10' deep	EA	2	146.39		\$0.00
35	15" HDPE smooth wall 45 degree bend	EA	1	1175.00	2	\$2,350.00
36	4' diameter storm sewer MH	EA	8	1295.00	8	\$10,360.00
37	4' diameter storm CBMH	EA	6	890.00	6	\$5,340.00
38	27" dia. shallow depth CB w/cstg.	EA	6	1105.00	6	\$6,630.00
39	2' x 3' CB, incl R-3067-V cstg and conc adj rings	SY	25	10.99	2	\$21.98
40	Insulation, 2" thick	LF	100	2.50		\$0.00
41	Silt fence, regular					\$71,124.82
	Total Part A3 - Storm Sewer					
Part A4 - Streets						
		LS	1	7500.00	0.8	\$6,000.00
42	Mobilization	LS	1	3500.00	0.8	\$2,800.00
43	Traffic control	EA	95	85.00		\$0.00
44	Salvage and reinstall mailbox	SY	15000	1.85	13367	\$24,728.95
45	Reclaim bituminous pavement	SY	600	2.50	448	\$1,120.00
46	Remove bituminous driveway	SF	5400	6.75	4498	\$30,361.50
47	Remove concrete driveway pavement	SF	100	3.00		\$0.00
48	Remove concrete street pavement	EA	14	35.00	6	\$210.00
49	Remove street name sign, per post	EA	20	100.00	2	\$200.00
50	Remove concrete steps	SF	2500	0.90	1709	\$1,538.10
51	Remove concrete sidewalk	CY	12000	6.75	12000	\$81,000.00
52	Common excavation (P)	CY	1000	6.75	95	\$641.25
53	Subgrade excavation (EV)	SY	17000	1.25	16543	\$20,678.75
54	Geotextile fabric, Type V	CY	5700	13.55	5507	\$74,619.85
55	Select granular borrow (CV)	CY	3700	16.50	3808	\$62,832.00
56	Aggregate base, Class 5	CY	500	18.50	175	\$3,237.50
57	Aggregate base, Class 5 (alleys)					

No.	Item	Unit	Contract Quantity	Unit Price	Quantity to Date	Amount to Date
58	Bituminous base course, Type 31B	TN	1800	29.82	1648	\$49,143.36
59	Bituminous base course, Type 31B (alleys)	TN	300	34.76	664	\$23,080.64
60	Bituminous wear course, Type 41B	TN	1350	31.76		\$0.00
61	Bituminous wear course, Type 41B (alleys)	TN	225	35.96	494	\$17,764.24
62	Bituminous material for tack coat	GAL	1000	1.84	350	\$644.00
63	B618 concrete curb and gutter	LF	9050	7.35	8217	\$60,394.95
64	Street name sign (1 blade), incl post and hardware	EA	30	262.50		\$0.00
65	Bituminous street patch	SY	150	18.55	366	\$6,789.30
66	Bituminous driveway patch	SY	600	15.58	200	\$3,116.00
67	7" concrete driveway pavement	SF	2000	4.13	1606	\$6,632.78
68	6" concrete driveway pavement	SF	5400	3.87	7589	\$29,369.43
69	8" concrete street patch	SF	150	4.50		\$0.00
70	5" concrete sidewalk	SF	2500	3.41	40	\$136.40
71	Concrete steps	EA	20	157.50		\$0.00
72	4" Polyethylene drain tile	LF	550	8.75	586	\$5,127.50
73	6" polyethylene drain tile	LF	550	9.75	516	\$5,031.00
74	Connect drain tile to storm sewer structure	EA	13	85.00	16	\$1,360.00
75	Silt fence, regular	LF	150	2.50		\$0.00
76	Sodding, lawn type	SY	12000	2.56		\$0.00
77	Adjust frame and ring casting	EA	18	135.00	12	\$1,620.00
78	Adjust valve box	EA	17	115.00	12	\$1,380.00
79	Front End Loader w/operator	HR	16	75.00	41.5	\$3,112.50
80	Dozer with operator	HR	16	65.00		\$0.00
81	Motor Grader with operator	HR	16	55.00	41.5	\$2,282.50
82	Clear and grub	LS	1	3750.00	0.9	\$3,375.00
	Total Part A4 - Streets					\$530,327.50
Part B1 - Sanitary Sewer						
83	Mobilization	LS	1	2000.00	0.5	\$1,000.00
84	Remove sanitary sewer pipe	LF	262	3.50	280	\$980.00
85	Remove sanitary sewer service pipe	LF	120	4.50	37	\$166.50
86	Remove sanitary sewer manhole	EA	1	500.00	1	\$500.00
87	Remove lift station complex	EA	1	4750.00		\$0.00
88	Connect to existing sewer service	EA	5	85.00	4	\$340.00
89	Connect to existing manhole	EA	4	500.00	4	\$2,000.00
90	4' diameter sanitary manholes	EA	2	1575.00	2	\$3,150.00
91	Manhole overdepth	LF	9	97.50	2	\$195.00
92	8" PVC sanitary sewer, SDR 35, 0'-10' deep	LF	10	16.48	13	\$214.24
93	8" PVC sanitary sewer, SDR 35, 10'-20' deep	LF	475	19.28	268	\$5,167.04
94	Directional bore 8" HDPE, SDR 11, gravity sewer	LF	210	85.45		\$0.00
95	8" x 6" PVC wye, SDR 26	EA	4	82.67		\$0.00
96	6" PVC, SDR 26 service pipe	LF	120	13.50	42	\$567.00
97	Improved pipe foundation, per 6" increment	LF	485	0.01		\$0.00
98	Closed circuit TV inspection	LF	595	0.51		\$0.00
99	Bulkhead existing forcemain	EA	2	500.00		\$0.00
100	Bypass pumping	LS	1	1500.00	0.5	\$750.00
	Total Part B1 - Sanitary Sewer					\$15,029.78
Part B2 - Water Main						
101	Remove 6" CIP water main	LF	605	4.50	350	\$1,575.00
102	Remove hydrant	EA	3	200.00	2	\$400.00
103	Remove water valve box	EA	8	100.00	2	\$200.00
104	Water main trench	LF	605	8.00	350	\$2,800.00
105	Water service trench	LF	160	11.50	10	\$115.00
106	Improved pipe foundation, per 6" increment	LF	605	2.00		\$0.00
107	Mechanical trench compaction	LF	765	1.50	350	\$525.00
	Total Part B2 - Water Main					\$5,615.00
Part B3 - Storm Sewer						
108	Remove storm sewer pipe	LF	35	6.50		\$0.00
109	24" storm sewer	LF	280	26.09	280	\$7,305.20
110	18" storm sewer	LF	150	21.41	40	\$856.40
111	15" storm sewer	LF	235	19.06		\$0.00
112	12" storm sewer	LF	115	17.96		\$0.00
113	24" FES w/TG	EA	1	421.07		\$0.00
114	4' diameter storm sewer MH	EA	3	1175.00	2	\$2,350.00

No.	Item	Unit	Contract Quantity	Unit Price	Quantity to Date	Amount to Date
		EA	9	1295.00	1	\$1,295.00
115	4' diameter storm CBMH	EA	4	1105.00		\$0.00
116	2' x 3' CB, incl R-3067-V csgt and conc adj rings	LF	200	2.50		\$0.00
117	Silt fence, regular	CY	2000	7.50		\$0.00
118	Pond excavation	SY	700	1.79		\$0.00
119	Wood fiber blanket	CY	12	83.50	128	\$10,688.00
120	Rip rap, Class 3	LF	200	0.01		\$0.00
121	Improved pipe foundation					\$22,494.60
	Total Part B3 - Storm Sewer					

Part B4 - Streets

		LS	1	2500.00		\$0.00
122	Mobilization	LS	1	2750.00		\$0.00
123	Traffic control	SY	3800	1.85	3000	\$5,550.00
124	Reclaim bituminous pavement	SY	600	1.75		\$0.00
125	Remove bituminous driveway	LF	50	2.50	168	\$420.00
126	Remove concrete curb and gutter	SF	3700	0.90		\$0.00
127	Remove concrete sidewalk	SF	200	3.00	135	\$405.00
128	Remove concrete street pavement	CY	3000	6.75		\$0.00
129	Common excavation (P)	CY	300	6.75		\$0.00
130	Subgrade excavation (EV)	SY	4300	1.25		\$0.00
131	Geotextile fabric, Type V	CY	1500	13.55		\$0.00
132	Select granular borrow (CV)	CY	1000	16.50		\$0.00
133	Aggregate base, Class 5	TN	430	30.35		\$0.00
134	Bituminous base course, Type 31B	TN	325	32.29		\$0.00
135	Bituminous wear course, Type 41B	GAL	250	1.84		\$0.00
136	Bituminous material for tack coat	LF	2150	7.72		\$0.00
137	B618 concrete curb and gutter					
138	Street name sign (1 blade), incl post and hardware	EA	4	288.75		\$0.00
		SY	80	13.55		\$0.00
139	Bituminous street patch	SY	600	12.08		\$0.00
140	Bituminous driveway patch	SF	200	4.50		\$0.00
141	8" concrete street patch	SF	3100	3.87		\$0.00
142	7" commercial concrete driveway pavement	SF	7300	3.10		\$0.00
143	5" concrete sidewalk	EA	6	210.00		\$0.00
144	Concrete pedestrian ramp	LF	300	9.50		\$0.00
145	4" Polyethylene drain tile	EA	3	75.00		\$0.00
146	Connect drain tile to storm sewer structure	LF	500	2.25		\$0.00
147	Silt fence, regular	SY	2000	2.56		\$0.00
148	Sodding, lawn type	AC	1	1764.00		\$0.00
149	Seeding	EA	7	135.00		\$0.00
150	Adjust frame and ring casting	EA	14	115.00		\$0.00
151	Adjust valve box					\$6,375.00
	Total Part B4 - Streets					

Change Order Number 1

		LS	1	43170.00	1	\$43,170.00
1	Mobilization	SF	5400	0.70	4498	\$3,148.60
2	Remove Concrete Driveway Pavement	LS	-1	15500.00	-1	(\$15,500.00)
3	Mobilization	SF	-5400	6.75	-5400	(\$36,450.00)
4	Remove Concrete Driveway Pavement					-\$5,631.40
	Total Change Order No. 1					

Total Part A1 - Sanitary Sewer	\$88,950.43
Total Part A2 - Water Main	\$52,921.50
Total Part A3 - Storm Sewer	\$71,124.82
Total Part A4 - Streets	\$530,327.50
Total Part B1 - Sanitary Sewer	\$15,029.78
Total Part B2 - Water Main	\$5,615.00
Total Part B3 - Storm Sewer	\$22,494.60
Total Part B4 - Streets	\$6,375.00
Total Change Order No. 1	-\$5,631.40
Total Work Completed To Date	\$787,207.23

PROJECT PAYMENT STATUS

OWNER CITY OF LAUDERDALE

BRA FILE NO. 532-00-101

CONTRACTOR NORTHDAL CONSTRUCTION CO INC

CHANGE ORDERS

No.	Date	Description	Amount
1	4/25/2001	This Change Order provided for changes to the original proposal.	(\$5,000.00)
Total Change Orders			(\$5,000.00)

PAYMENT SUMMARY

No.	From	To	Payment	Retainage	Completed
1	04/11/2001	06/13/01	185,535.54	9,765.03	195,300.57
2	06/14/2001	07/19/01	385,724.78	30,066.33	601,326.65
3	07/20/2001	09/06/01	176,586.55	39,360.36	787,207.23

Material on Hand

Total Payment to Date	\$747,846.87	Original Contract	\$1,199,956.67
Retainage Pay No. 3	39,360.36	Change Orders	(\$5,000.00)
Total Amount Earned	\$787,207.23	Revised Contract	\$1,194,956.67

CITY OF LAUDERDALE
Claims for Approval
September 11, 2001 City Council Meeting

Payroll

08/31/01 Payroll:	Check # 6991 - 7000	\$7,443.26
08/31/01 Payroll:	Federal Payroll Taxes EFT	\$2,632.43
08/31/01 Payroll:	PERA EFT	\$859.23

Payment Claims

09/11/01 Claims:	Check # 15396 - 15419	\$234,481.98
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Total Claims for Approval

\$245,416.90

CITY OF LAUDERDALE

08/30/01 11:01 AM

Page 1

Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
006991	000000011	BOWNIK, JAMES	18	BI-WEEKLY	\$1,030.70	8/31/01	Outstanding
006992	000000014	CHRISTENSEN, CLAY	18	BI-WEEKLY	\$317.68	8/31/01	Outstanding
006993	000000010	DAINS, JEFFREY	18	BI-WEEKLY	\$567.03	8/31/01	Outstanding
006994	000000003	GETSCHOW, RICK	18	BI-WEEKLY	\$1,602.82	8/31/01	Outstanding
006995	000000016	GILL-GERBIG, KAREN	18	BI-WEEKLY	\$317.68	8/31/01	Outstanding
006996	000000015	GOWER, MOOSE	18	BI-WEEKLY	\$317.68	8/31/01	Outstanding
006997	000000030	GOYETTE, SHANNON	18	BI-WEEKLY	\$885.59	8/31/01	Outstanding
006998	000000041	HAWKINSON, DENISE	18	BI-WEEKLY	\$317.68	8/31/01	Outstanding
006999	000000002	HINRICHS, DAVID C	18	BI-WEEKLY	\$1,145.48	8/31/01	Outstanding
007000	000000005	HUGHES, JOSEPH A	18	BI-WEEKLY	\$940.92	8/31/01	Outstanding
006978		VOID	18		\$0.00	8/31/01	Void
006979		VOID	18		\$0.00	8/31/01	Void
006980		VOID	18		\$0.00	8/31/01	Void
006981		VOID	18		\$0.00	8/31/01	Void
006982		VOID	18		\$0.00	8/31/01	Void
006983		VOID	18		\$0.00	8/31/01	Void
006984		VOID	18		\$0.00	8/31/01	Void
006985		VOID	18		\$0.00	8/31/01	Void
006986		VOID	18		\$0.00	8/31/01	Void
006987		VOID	18		\$0.00	8/31/01	Void
006988		VOID	18		\$0.00	8/31/01	Void
006989		VOID	18		\$0.00	8/31/01	Void
006990		VOID	18		\$0.00	8/31/01	Void
					<hr/>		
					\$7,443.26		

FILTER: ((year='2001' and [pay period] in (18))) and [pay group] in ('01')

7 Sep 2001
Fri 11:36 AM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
SEPTEMBER 11, 2001
CITY COUNCIL MEETING

Check Invoice Number	Number	Name	Account Code	Comments	Transaction Amount
Check Number	15396	BOONESTROO, ROSENE, ANDERLIK			417.89
15396	80935	BOONESTROO, ROSENE, ANDERLIK	601-49000-304	07/01 GEN ENG: HAMLINE AB	1,337.21
15396	80936	BOONESTROO, ROSENE, ANDERLIK	410-48410-304	'00 ST/UTIL IMPROVEMENTS	28,580.94
15396	80937	BOONESTROO, ROSENE, ANDERLIK	411-48410-304	'01 ST/UTIL IMPROVEMENTS	-----
Totals Check Number	15396	BOONESTROO, ROSENE, ANDERLIK			30,336.04
Check Number	15397	CINTAS			
15397	470384093	CINTAS	601-49000-425	PUBLIC WORKS UNIFORMS	27.70
15397	470386475	CINTAS	601-49000-425	PUBLIC WORKS UNIFORMS	27.70
Totals Check Number	15397	CINTAS			-----
Check Number	15398	CITY OF FALCON HEIGHTS			
15398	9/11/01	CITY OF FALCON HEIGHTS	101-42200-322	07/01 FALSE FIRE ALARM	179.50
Totals Check Number	15398	CITY OF FALCON HEIGHTS			-----
Check Number	15399	CITY OF ST ANTHONY			
15399	254	CITY OF ST ANTHONY	101-42100-319	10/01 POLICE SERVICES	17,798.17
Totals Check Number	15399	CITY OF ST ANTHONY			-----
Check Number	15400	DONALD SALVERDA & ASSOCIATES			
15400	P90996A&B	DONALD SALVERDA & ASSOCIATES	101-41200-306	EFFECTIVE MGMT PROGRAM	79.25
Totals Check Number	15400	DONALD SALVERDA & ASSOCIATES			-----
Check Number	15401	ENGBERG-SHABER AGENCY, INC.			
15401	4556	ENGBERG-SHABER AGENCY, INC.	101-41100-361	INSURANCE AGENT FEES	418.00
15401	4556	ENGBERG-SHABER AGENCY, INC.	101-41200-361	INSURANCE AGENT FEES	365.75
15401	4556	ENGBERG-SHABER AGENCY, INC.	601-49000-361	INSURANCE AGENT FEES	261.25
Totals Check Number	15401	ENGBERG-SHABER AGENCY, INC.			-----
Check Number	15402	HUGHES & COSTELLO			
15402	9/11/01	HUGHES & COSTELLO	101-42300-305	08/01 RETAINER FEE	850.00

7 Sep 2001
Fri 11:36 AM

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CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
SEPTEMBER 11, 2001
CITY COUNCIL MEETING

Check Invoice Number Number	Name	Account Code	Comments	Transaction Amount
Check Number	15402 HUGHES & COSTELLO		08/01 PRINT/PROCESS	49.50
15402 9/11/01	HUGHES & COSTELLO	101-42300-355		-----
				899.50
Totals Check Number	15402 HUGHES & COSTELLO			
Check Number	15403 ICMA RETIREMENT TRUST - 457			
15403 9/11/01	ICMA RETIREMENT TRUST - 457	101-21705	8/31/01 PAYROLL	576.11

				576.11
Totals Check Number	15403 ICMA RETIREMENT TRUST - 457			
Check Number	15404 KENCOAT			
15404 9679	KENCOAT	101-45200-201	2 PICNIC TABLES FOR PARK	1,100.41

				1,100.41
Totals Check Number	15404 KENCOAT			
Check Number	15405 LEAGUE MN CITIES INS TRUST			
15405 7659	LEAGUE MN CITIES INS TRUST	201-45600-377	LIQ LIAB INS: '01 DAYNPK	250.00

				250.00
Totals Check Number	15405 LEAGUE MN CITIES INS TRUST			
Check Number	15406 LEAGUE OF MINNESOTA CITIES			
15406 9/11/01	LEAGUE OF MINNESOTA CITIES	101-41100-438	AN MEMB DUES THRU 8/31/02	1,731.00

				1,731.00
Totals Check Number	15406 LEAGUE OF MINNESOTA CITIES			
Check Number	15407 LILLIE SUBURBAN NEWS			
15407 9/11/01	LILLIE SUBURBAN NEWS	101-41600-309	08/01 DELIV: ROSE REVIEW	524.28

				524.28
Totals Check Number	15407 LILLIE SUBURBAN NEWS			
Check Number	15408 MINNESOTA AFSCME			
15408 9/11/01	MINNESOTA AFSCME	101-21709	08/01 UNION DUES	76.44

				76.44
Totals Check Number	15408 MINNESOTA AFSCME			
Check Number	15409 MN DEPARTMENT OF REVENUE			
15409 9/11/01	MN DEPARTMENT OF REVENUE	101-21702	08/01 STATE TAXES	1,176.99

				1,176.99
Totals Check Number	15409 MN DEPARTMENT OF REVENUE			

7 Sep 2001
Fri 11:36 AM

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CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
SEPTEMBER 11, 2001
CITY COUNCIL MEETING

Check Invoice Number Number	Name	Account Code	Comments	Transaction Amount
Check Number	15410 NORTH STAR STATE BANK			17.08
15410 9/11/01	NORTH STAR STATE BANK	101-41200-331	MILEAGE: JAMES	17.41
15410 9/11/01	NORTH STAR STATE BANK	101-41100-440	REFRESH: RSV-LD JNT CC MT	28.29
15410 9/11/01	NORTH STAR STATE BANK	101-41200-331	MILEAGE: SHANNON	34.00
15410 9/11/01	NORTH STAR STATE BANK	101-41200-203	STAMPS FOR CITY HALL	18.98
15410 9/11/01	NORTH STAR STATE BANK	101-41200-331	MILEAGE: SHANNON	17.24
15410 9/11/01	NORTH STAR STATE BANK	101-41200-201	COFFEE/CUPS FOR CITY HALL	31.74
15410 9/11/01	NORTH STAR STATE BANK	101-41200-331	MILEAGE: RICK	-----
Totals Check Number	15410 NORTH STAR STATE BANK			164.74
Check Number	15411 NORTHDALE CONSTRUCTION, INC.			
15411 PAY REQ #3 NORTHDALE CONSTRUCTION, INC.	411-48410-328		PAY REQ #3: '01 ST/UTIL	176,586.55
Totals Check Number	15411 NORTHDALE CONSTRUCTION, INC.			-----
				176,586.55
Check Number	15412 OFFICE MAX			
15412 4986J206	OFFICE MAX	101-41200-201	GENERAL OFFICE SUPPLIES	6.38
15412 074961J230	OFFICE MAX	101-41200-201	GENERAL OFFICE SUPPLIES	116.81
Totals Check Number	15412 OFFICE MAX			-----
				123.19
Check Number	15413 PARK HARDWARE HANK			
15413 33231	PARK HARDWARE HANK	101-45200-412	WARMING HOUSE SUPPLIES	22.98
15413 32657	PARK HARDWARE HANK	601-49000-408	LIFT STATION MAINTENANCE	3.05
15413 33123	PARK HARDWARE HANK	101-43100-228	CLEANING SUPPLIES, BULBS	41.63
15413 33162	PARK HARDWARE HANK	101-43100-426	RUG DOCTOR/CARPET SHAMPOO	39.58
15413 33173	PARK HARDWARE HANK	101-43100-228	CARPET SHAMPOO	19.25
Totals Check Number	15413 PARK HARDWARE HANK			-----
				126.49
Check Number	15414 PARK SERVICE			
15414 9/11/01	PARK SERVICE	101-43100-212	08/01 TRUCK FUEL	45.98
15414 9/11/01	PARK SERVICE	601-49000-212	08/01 TRUCK FUEL	45.98
Totals Check Number	15414 PARK SERVICE			-----
				91.96
Check Number	15415 QWEST			
15415 9/11/01	QWEST	101-41200-391	09/01 CITY HALL PHONE	167.33

7 Sep 2001
Fri 11:36 AM

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CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
SEPTEMBER 11, 2001
CITY COUNCIL MEETING

Check Invoice Number Number	Name	Account Code	Comments	Transaction Amount
Check Number	15415 QWEST			29.40
15415 9/11/01	QWEST	101-43100-391	09/01 CITY HALL PHONE	29.40
15415 9/11/01	QWEST	601-49000-391	09/01 CITY HALL PHONE	-----
				226.13
Totals Check Number	15415 QWEST			
Check Number	15416 ROSEVILLE AREA SCHOOLS			
15416 9/11/01	ROSEVILLE AREA SCHOOLS	101-41200-308	JAMES: COMPUTER CLASS	89.00

				89.00
Totals Check Number	15416 ROSEVILLE AREA SCHOOLS			
Check Number	15417 ST PAUL POSTMASTER			
15417 9/11/01	ST PAUL POSTMASTER	101-41600-203	4 QTR '01 NEWSLETTER POST	300.00

				300.00
Totals Check Number	15417 ST PAUL POSTMASTER			
Check Number	15418 XCEL ENERGY			
15418 4406002244	XCEL ENERGY	101-43200-381	08/01 STREET LIGHTING	439.20
15418 9/11/01	XCEL ENERGY	101-43100-383	CITY HALL: GAS	17.68
15418 9/11/01	XCEL ENERGY	601-49000-383	CITY HALL: GAS	5.89
15418 9/11/01	XCEL ENERGY	101-43100-381	CITY HALL: ELECTRIC	160.53
15418 9/11/01	XCEL ENERGY	601-49000-381	CITY HALL: ELECTRIC	53.51
15418 9/11/01	XCEL ENERGY	101-43100-383	CITY GARAGE: GAS	8.58
15418 9/11/01	XCEL ENERGY	601-49000-383	CITY GARAGE: GAS	8.58
15418 9/11/01	XCEL ENERGY	101-43100-381	CITY GARAGE: ELECTRIC	9.16
15418 9/11/01	XCEL ENERGY	601-49000-381	CITY GARAGE: ELECTRIC	9.16
15418 9/11/01	XCEL ENERGY	101-45200-383	CITY PARK: GAS	18.96
15418 9/11/01	XCEL ENERGY	101-45200-381	CITY PARK: ELECTRIC	7.33

				738.58
Totals Check Number	15418 XCEL ENERGY			
Check Number	15419 XCEL ENERGY			
15419 9/11/01	XCEL ENERGY	601-49000-381	LIFT STATION ELECTRIC	184.20
15419 9/11/01	XCEL ENERGY	601-49000-383	LIFT STATION GAS	23.05

				207.25
Totals Check Number	15419 XCEL ENERGY			
Grand Total				-----
				234,481.98

City Council Memorandum

To:	Mayor and City Council
From:	Rick Getschow
Council Meeting Date:	September 11, 2001
Agenda Item:	Public Hearing on the Proposed Assessment Roll for the 2000 Street and Utility Improvements

Background:

At the July 24th Council meeting, the Council ordered the preparation of proposed assessment rolls for the 2000 Street and Utility Improvements. At the August 14th 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 11, 2001.

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 outside of the Council Chambers 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 until September 25th. It should be noted that there are minor clean-up and correction items that may still need to be completed. The 2000 Improvements are covered under a one-year contract warranty period. These corrections should not affect the adoption of the assessment roll.

If the adoption of the assessment roll is delayed to the September 25, 2001 meeting, City Staff and the City Engineer can investigate and make recommendations on any issues, concerns, or objections that are raised and not immediately resolved at the September 11, 2001 meeting. Included in the packet are some examples of dealing with these types of issues in another municipality.

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 2000 Street and Utility Improvement project. The Council by simple majority may approve the assessment roll. However, if staff needs time to research questions or address major concerns, it may be recommended that we wait for final approval on the assessment roll until September 25th.

The **City Engineer** provides a summary of the construction of the 2000 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. If there are significant issues in this area that affect the assessments, action on the assessment roll may need to be delayed until September 25th. If this is not the case, the Council should approve Resolution 091101A: A Resolution Adopting the Assessment for the 2000 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.

Remaining Schedule:

September 25	If needed, Continued Assessment Hearings and/or Adoption of Assessment Roll
September 26 to October 25	Prepayment of Assessments (30 days)
October 26 to November 1	Tally of Final Assessment Roll
November 1	Certification of Final Assessment Roll to Ramsey County

Enclosures:

1. Proposed Assessment Roll for the 2000 Street and Utility Improvements
2. Resolution 091101A: A Resolution Adopting the Assessment for the 2000 Street and Utility Improvements
3. Sample Notice mailed to affected residents for the Assessment
4. Lauderdale Assessment Policy Manual, pages 1-24
5. Sample Background Information- City of Roseville, Agenda Packet, Street Assessments of September 2000
6. Information Sheet- "Appeals to District Court"

Council Action Requested:

1. Conduct the Public Hearing.

AND

2. If no issues arise at the hearing, the Council will want to approve Resolution 091101A: A Resolution Adopting the Assessment for the 2000 Street and Utility Improvements.

OR

- 2 a. If issues arise at the hearing that require further research and deliberation, the Council will want to close the public hearing, and consider adoption of the roll at the September 25th meeting following final discussion and action on any unresolved issues.

Preliminary Assessment Roll

Property ID No. (PIN)	Address	Front		Policy	Assess	Total
		Footage	Assessable Front Footage			Street Assessment
17-29-23-31-0002	City of Lauderdale	494.54	494.54		\$50.09	\$24,771.51
17-29-23-31-0003	1880 Pleasant	58.6	58.6		\$50.09	\$2,935.27
17-29-23-31-0004	2351 Summer	~196.07	80	Corner lot	\$50.09	\$4,007.20
17-29-23-31-0005	2349 Summer	~74.64	74.64		\$50.09	\$3,738.72
17-29-23-31-0006	2345 Summer	~101	80		\$50.09	\$4,007.20
17-29-23-31-0007	2337 Summer	~160.04	80		\$50.09	\$4,007.20
17-29-23-31-0008	City of Lauderdale	~265	265		\$50.09	\$13,273.85
17-29-23-31-0129	1855 Fulham	136	34	Corner Only	\$50.09	\$1,703.06
17-29-23-31-0020	1803 Fulham	130	32.5	Corner Only	\$50.09	\$1,627.93
17-29-23-31-0021	1800 Lake	229.34	80	Corner lot	\$50.09	\$4,007.20
17-29-23-31-0022	1820 Lake	150	80		\$50.09	\$4,007.20
17-29-23-31-0023	1830 Lake	75	75		\$50.09	\$3,756.75
17-29-23-31-0024	1834 Lake	75	75		\$50.09	\$3,756.75
17-29-23-31-0025	1838 Lake	100	80		\$50.09	\$4,007.20
17-29-23-31-0131	1848 Lake	~236	80	Corner lot	\$50.09	\$4,007.20
17-29-23-31-0027	1849 Lake	183.5	80	Corner lot	\$50.09	\$4,007.20
17-29-23-31-0028	1847 Lake	54	54		\$50.09	\$2,704.86
17-29-23-31-0029	1841 Lake	50	50		\$50.09	\$2,504.50
17-29-23-31-0030	1835 Lake	50	50		\$50.09	\$2,504.50
17-29-23-31-0031	1831 Lake	50	50		\$50.09	\$2,504.50
17-29-23-31-0032	1829 Lake	50	50		\$50.09	\$2,504.50
17-29-23-31-0033	1825 Lake	50	50		\$50.09	\$2,504.50
17-29-23-31-0034	1821 Lake	50	50		\$50.09	\$2,504.50
17-29-23-31-0035	1815 Lake	74.34	74.34	Corner lot	\$50.09	\$3,723.69
17-29-23-31-0036	1803 Lake	205	80	Corner lot	\$50.09	\$4,007.20
17-29-23-31-0037	1800 Pleasant	180.02	80		\$50.09	\$4,007.20
17-29-23-31-0038	1806 Pleasant	50	50		\$50.09	\$2,504.50
17-29-23-31-0039	1814 Pleasant	50	50		\$50.09	\$2,504.50
17-29-23-31-0040	1820 Pleasant	50	50		\$50.09	\$2,504.50
17-29-23-31-0041	1824 Pleasant	50	50		\$50.09	\$2,504.50
17-29-23-31-0042	1826 Pleasant	50	50		\$50.09	\$2,504.50

8/28/2001

Preliminary Assessment Roll

Property ID No. (PIN)	Address	Front		Assessable		Policy Notes	Assess Rate	Assessment Street Total
		Footage	Front Footage	Front Footage	Front Footage			
17-29-23-31-0043	1832 Pleasant	50	50	50	50		\$50.09	\$2,504.50
17-29-23-31-0044	1838 Pleasant	50	50	50	50		\$50.09	\$2,504.50
17-29-23-31-0045	1842 Pleasant	50	50	50	50	Corner lot	\$50.09	\$3,784.30
17-29-23-31-0046	1848 Pleasant	~176.2	75.55	80	80	Corner lot	\$50.09	\$4,007.20
17-29-23-31-0047	1847 Pleasant	~268	80	40	40		\$50.09	\$2,003.60
17-29-23-31-0048	1843 Pleasant	40	40	40	40		\$50.09	\$2,003.60
17-29-23-31-0049	1839 Pleasant	40	40	40	40		\$50.09	\$2,003.60
17-29-23-31-0050	1835 Pleasant	40	40	40	40		\$50.09	\$2,003.60
17-29-23-31-0051	1831 Pleasant	40	40	40	40		\$50.09	\$2,254.05
17-29-23-31-0052	1827 Pleasant	45	45	80	80		\$50.09	\$4,007.20
17-29-23-31-0053	1815 Pleasant	95	80	60	60		\$50.09	\$3,005.40
17-29-23-31-0054	1811 Pleasant	60	60	80	80	Corner lot	\$50.09	\$4,007.20
17-29-23-31-0055	1807 Pleasant	212.2	80	80	80	Corner lot	\$50.09	\$4,007.20
17-29-23-31-0113	2385 Summer	356.45	79	79	79		\$50.09	\$3,957.11
17-29-23-31-0121	1917 Pleasant	79	79	79	79		\$50.09	\$3,957.11
17-29-23-31-0122	1913 Pleasant	79	79	79	79		\$50.09	\$3,957.11
17-29-23-31-0123	1907 Pleasant	79	79	79	79		\$50.09	\$4,007.20
17-29-23-31-0124	1901 Pleasant	90.79	80	80	80		\$50.09	\$4,007.20
17-29-23-31-0125	1895 Pleasant	104.26	80	80	80		\$50.09	\$1,535.76
17-29-23-31-0126	1887 Pleasant	122.62	30.66	30.66	30.66	Corner only	\$50.09	\$1,671.00
17-29-23-34-0001	1797 Fulham	133.43	33.36	33.36	33.36	Corner only	\$50.09	\$4,007.20
17-29-23-34-0007	1745 Fulham	253.5	80	80	80	Corner lot	\$50.09	\$4,007.20
17-29-23-34-0008	1744 Lake	90	80	80	80		\$50.09	\$3,756.75
17-29-23-34-0009	1750 Lake	75	75	75	75		\$50.09	\$3,738.22
17-29-23-34-0010	1760 Lake	74.63	74.63	74.63	74.63		\$50.09	\$3,005.40
17-29-23-34-0011	1768 Lake	60	60	60	60		\$50.09	\$3,005.40
17-29-23-34-0012	1772 Lake	60	60	60	60		\$50.09	\$3,005.40
17-29-23-34-0013	1780 Lake	60	60	60	60		\$50.09	\$3,367.05
17-29-23-34-0014	1786 Lake	67.22	67.22	67.22	67.22	Corner lot	\$50.09	\$4,007.20
17-29-23-34-0015	1790 Lake	248.02	80	80	80	Corner lot	\$50.09	\$4,007.20
17-29-23-34-0016	1792 Lake	~205.66	80	80	80		\$50.09	\$4,007.20
17-29-23-34-0017	1791 Lake	69.27	69.27	69.27	69.27		\$50.09	\$3,469.73
17-29-23-34-0018	1787 Lake							

8/28/2001

Preliminary Assessment Roll

Property ID No. (PIN)	Address	Front		Assessable		Policy Notes	Assess		Total
		Footage	Front Footage	Front Footage	Rate		Rate	Assessment	
17-29-23-34-0019	1781 Lake	70	70	70	\$50.09		\$50.09	\$3,506.30	
17-29-23-34-0020	1775 Lake	70	60	60	\$50.09		\$50.09	\$3,005.40	
17-29-23-34-0021	1769 Lake	60	60	60	\$50.09		\$50.09	\$3,005.40	
17-29-23-34-0022	1767 Lake	60	60	60	\$50.09		\$50.09	\$4,007.20	
17-29-23-34-0023	1765 Lake	90	80	80	\$50.09		\$50.09	\$4,007.20	
17-29-23-34-0024	1751 Lake	220.39	80	80	\$50.09	Corner lot	\$50.09	\$4,007.20	
17-29-23-34-0025	1745 Lake	220.5	80	80	\$50.09	Corner lot	\$50.09	\$4,007.20	
17-29-23-34-0026	1744 Pleasant	90	80	80	\$50.09		\$50.09	\$3,005.40	
17-29-23-34-0027	1750 Pleasant	60	60	60	\$50.09		\$50.09	\$3,005.40	
17-29-23-34-0028	1758 Pleasant	60	60	60	\$50.09		\$50.09	\$2,003.60	
17-29-23-34-0029	1764 Pleasant	60	60	60	\$50.09		\$50.09	\$2,003.60	
17-29-23-34-0030	1772 Pleasant	40	40	40	\$50.09		\$50.09	\$3,005.40	
17-29-23-34-0031	1785 Pleasant	40	40	40	\$50.09		\$50.09	\$4,007.20	
17-29-23-34-0030	1786 Pleasant	60	80	80	\$50.09	Corner lot	\$50.09	\$2,003.60	
17-29-23-34-0031	1790 Pleasant	245.57	72.25	72.25	\$50.09	Corner lot	\$50.09	\$2,003.60	
17-29-23-34-0033	1796 Pleasant	171.4	40	40	\$50.09		\$50.09	\$4,007.20	
17-29-23-34-0034	1797 Pleasant	40	40	40	\$50.09		\$50.09	\$2,003.60	
17-29-23-34-0035	1795 Pleasant	40	80	80	\$50.09		\$50.09	\$4,007.20	
17-29-23-34-0036	1793 Pleasant	99.36	40	40	\$50.09		\$50.09	\$3,005.40	
17-29-23-34-0037	1780 Pleasant	40	80	80	\$50.09		\$50.09	\$2,504.50	
17-29-23-34-0038	1783 Pleasant	80	60	60	\$50.09		\$50.09	\$3,506.30	
17-29-23-34-0039	1779 Pleasant	60	60	60	\$50.09		\$50.09	\$2,003.60	
17-29-23-34-0040	1769 Pleasant	60	50	50	\$50.09		\$50.09	\$3,407.12	
17-29-23-34-0041	1763 Pleasant	50	70	70	\$50.09		\$50.09	\$1,627.93	
17-29-23-34-0042	1759 Pleasant	70	40	40	\$50.09		\$50.09	\$2,003.60	
17-29-23-34-0043	1751 Pleasant	152.06	68.02	68.02	\$50.09	Corner lot	\$50.09	\$2,003.60	
17-29-23-34-0044	1743 Pleasant	2301 lone	32.5	32.5	\$50.09	Corner only	\$50.09	\$4,007.20	
17-29-23-34-0044	2367 Larpenteur	130	40	40	\$50.09		\$50.09	\$4,007.20	
17-29-23-34-0116	1697 Pleasant	40	80	80	\$50.09		\$50.09	\$4,007.20	
17-29-23-34-0117	1707 Pleasant	80	80	80	\$50.09		\$50.09	\$4,007.20	
17-29-23-34-0118	1715 Pleasant	80	80	80	\$50.09		\$50.09	\$4,007.20	
17-29-23-34-0119	1721 Pleasant	104.2							

8/28/2001

Preliminary Assessment Roll

							Total
							Street
							Assessment
							Assess
							Rate
							Policy
							Notes
							Front Footage
							Assessable
							Front
							Footage
Property ID No. (PIN)		Address					
17-29-23-34-0123	1733 Pleasant	130	32.5	Corner only	\$50.09	\$1,627.93	
	<u>Brandychase Condos</u>	1172.11	731.41	Corner lot	\$125.22	\$91,587.16	
17-29-23-34-0124	1697 Fulham, Unit A	N/A	N/A			\$880.65	
17-29-23-34-0125	1697 Fulham, Unit B	N/A	N/A			\$880.65	
17-29-23-34-0126	1697 Fulham, Unit C	N/A	N/A			\$880.65	
17-29-23-34-0127	1697 Fulham, Unit D	N/A	N/A			\$880.65	
17-29-23-34-0128	1697 Fulham, Unit E	N/A	N/A			\$880.65	
17-29-23-34-0129	1697 Fulham, Unit F	N/A	N/A			\$880.65	
17-29-23-34-0130	1697 Fulham, Unit G	N/A	N/A			\$880.65	
17-29-23-34-0131	1697 Fulham, Unit H	N/A	N/A			\$880.65	
17-29-23-34-0132	1705 Fulham, Unit A	N/A	N/A			\$880.65	
17-29-23-34-0133	1705 Fulham, Unit B	N/A	N/A			\$880.65	
17-29-23-34-0134	1705 Fulham, Unit C	N/A	N/A			\$880.65	
17-29-23-34-0135	1705 Fulham, Unit D	N/A	N/A			\$880.65	
17-29-23-34-0136	1705 Fulham, Unit E	N/A	N/A			\$880.65	
17-29-23-34-0137	1705 Fulham, Unit F	N/A	N/A			\$880.65	
17-29-23-34-0138	1705 Fulham, Unit G	N/A	N/A			\$880.65	
17-29-23-34-0139	1705 Fulham, Unit H	N/A	N/A			\$880.65	
17-29-23-34-0140	1713 Fulham, Unit A	N/A	N/A			\$880.65	
17-29-23-34-0141	1713 Fulham, Unit B	N/A	N/A			\$880.65	
17-29-23-34-0142	1713 Fulham, Unit C	N/A	N/A			\$880.65	
17-29-23-34-0143	1713 Fulham, Unit D	N/A	N/A			\$880.65	
17-29-23-34-0144	1713 Fulham, Unit E	N/A	N/A			\$880.65	
17-29-23-34-0145	1713 Fulham, Unit F	N/A	N/A			\$880.65	
17-29-23-34-0146	1713 Fulham, Unit G	N/A	N/A			\$880.65	
17-29-23-34-0147	1713 Fulham, Unit H	N/A	N/A			\$880.65	
17-29-23-34-0148	1721 Fulham, Unit A	N/A	N/A			\$880.65	
17-29-23-34-0149	1721 Fulham, Unit B	N/A	N/A			\$880.65	
17-29-23-34-0150	1721 Fulham, Unit C	N/A	N/A			\$880.65	
17-29-23-34-0151	1721 Fulham, Unit D	N/A	N/A			\$880.65	
17-29-23-34-0152	1721 Fulham, Unit E	N/A	N/A			\$880.65	
17-29-23-34-0153	1721 Fulham, Unit F	N/A	N/A			\$880.65	
17-29-23-34-0154	1721 Fulham, Unit G	N/A	N/A			\$880.65	

Preliminary Assessment Roll

Property ID No. (PIN)	Address	Front		Assessable		Policy Notes	Assess Rate	Total
		Footage	Front Footage	Footage	Front Footage			Street Assessment
17-29-23-34-0155	1721 Fulham, Unit H	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0156	1728 Pleasant, Unit A	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0157	1728 Pleasant, Unit B	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0158	1728 Pleasant, Unit C	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0159	1728 Pleasant, Unit D	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0160	1728 Pleasant, Unit E	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0161	1728 Pleasant, Unit F	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0162	1728 Pleasant, Unit G	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0163	1728 Pleasant, Unit H	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0164	1729 Fulham, Unit A	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0165	1729 Fulham, Unit B	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0166	1729 Fulham, Unit C	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0167	1729 Fulham, Unit D	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0168	1729 Fulham, Unit E	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0169	1729 Fulham, Unit F	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0170	1729 Fulham, Unit G	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0171	1729 Fulham, Unit H	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0172	1736 Pleasant, Unit A	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0173	1736 Pleasant, Unit B	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0174	1736 Pleasant, Unit C	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0175	1736 Pleasant, Unit D	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0176	1736 Pleasant, Unit E	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0177	1736 Pleasant, Unit F	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0178	1736 Pleasant, Unit G	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0179	1736 Pleasant, Unit H	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0180	1737 Fulham, Unit A	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0181	1737 Fulham, Unit B	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0182	1737 Fulham, Unit C	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0183	1737 Fulham, Unit D	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0184	1737 Fulham, Unit E	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0185	1737 Fulham, Unit F	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0186	1737 Fulham, Unit G	N/A	N/A	N/A	N/A			\$880.65
17-29-23-34-0187	1737 Fulham, Unit H	N/A	N/A	N/A	N/A			\$880.65

8/28/2001

Preliminary Assessment Roll

Property ID No. (PIN)	Address	Front		Assessable		Policy		Assess		Total
		Front	Footage	Front Footage	N/A	Notes		Rate	Street	Assessment
17-29-23-34-0188	1740 Pleasant, Unit A	N/A	N/A	N/A						\$880.65
17-29-23-34-0189	1740 Pleasant, Unit B	N/A	N/A	N/A						\$880.65
17-29-23-34-0190	1740 Pleasant, Unit C	N/A	N/A	N/A						\$880.65
17-29-23-34-0191	1740 Pleasant, Unit D	N/A	N/A	N/A						\$880.65
17-29-23-34-0192	1740 Pleasant, Unit E	N/A	N/A	N/A						\$880.65
17-29-23-34-0193	1740 Pleasant, Unit F	N/A	N/A	N/A						\$880.65
17-29-23-34-0194	1740 Pleasant, Unit G	N/A	N/A	N/A						\$880.65
17-29-23-34-0195	1740 Pleasant, Unit H	N/A	N/A	N/A						\$880.65
17-29-23-34-0196	1720 Pleasant, Unit A	N/A	N/A	N/A						\$880.65
17-29-23-34-0197	1720 Pleasant, Unit B	N/A	N/A	N/A						\$880.65
17-29-23-34-0198	1720 Pleasant, Unit C	N/A	N/A	N/A						\$880.65
17-29-23-34-0199	1720 Pleasant, Unit D	N/A	N/A	N/A						\$880.65
17-29-23-34-0200	1720 Pleasant, Unit E	N/A	N/A	N/A						\$880.65
17-29-23-34-0201	1720 Pleasant, Unit F	N/A	N/A	N/A						\$880.65
17-29-23-34-0202	1720 Pleasant, Unit G	N/A	N/A	N/A						\$880.65
17-29-23-34-0203	1720 Pleasant, Unit H	N/A	N/A	N/A						\$880.65
17-29-23-34-0204	1696 Pleasant, Unit A	N/A	N/A	N/A						\$880.65
17-29-23-34-0205	1696 Pleasant, Unit B	N/A	N/A	N/A						\$880.65
17-29-23-34-0206	1696 Pleasant, Unit C	N/A	N/A	N/A						\$880.65
17-29-23-34-0207	1696 Pleasant, Unit D	N/A	N/A	N/A						\$880.65
17-29-23-34-0208	1696 Pleasant, Unit E	N/A	N/A	N/A						\$880.65
17-29-23-34-0209	1696 Pleasant, Unit F	N/A	N/A	N/A						\$880.65
17-29-23-34-0210	1696 Pleasant, Unit G	N/A	N/A	N/A						\$880.65
17-29-23-34-0211	1696 Pleasant, Unit H	N/A	N/A	N/A						\$880.65
17-29-23-34-0212	1704 Pleasant, Unit A	N/A	N/A	N/A						\$880.65
17-29-23-34-0213	1704 Pleasant, Unit B	N/A	N/A	N/A						\$880.65
17-29-23-34-0214	1704 Pleasant, Unit C	N/A	N/A	N/A						\$880.65
17-29-23-34-0215	1704 Pleasant, Unit D	N/A	N/A	N/A						\$880.65
17-29-23-34-0216	1704 Pleasant, Unit E	N/A	N/A	N/A						\$880.65
17-29-23-34-0217	1704 Pleasant, Unit F	N/A	N/A	N/A						\$880.65
17-29-23-34-0218	1704 Pleasant, Unit G	N/A	N/A	N/A						\$880.65
17-29-23-34-0219	1704 Pleasant, Unit H	N/A	N/A	N/A						\$880.65
17-29-23-34-0220	1712 Pleasant, Unit A	N/A	N/A	N/A						\$880.65

8/28/2001

Preliminary Assessment Roll

[illegible]

RESOLUTION NO. 091101A

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

**RESOLUTION ADOPTING THE ASSESSMENT FOR THE
2000 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 Pleasant Street between Larpenteur Avenue and Roselawn Avenue, Lake Street between Ione Street and Summer Street, Ione Street between Pleasant Street and Fulham Street, Spring Street between Pleasant Street and Fulham Street, and Summer Street between Pleasant Street and Fulham Street by conducting street reconstruction, sanitary sewer improvements and replacement, water main replacement, storm sewer system improvements, and alley improvements,

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 2002, and shall bear an interest rate of 7.5 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, 2001. 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 11^h day of September, 2001.

I CERTIFY THAT the above resolution was adopted by the City Council of Lauderdale this 11^h day of September, 2001.

(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

August 27, 2001

Full Name
Address
Lauderdale, MN 55113

**CITY OF LAUDERDALE
NOTICE OF PUBLIC HEARING
ON THE PROPOSED ASSESSMENT FOR THE LAUDERDALE
2000 STREET AND UTILITY IMPROVEMENTS**

NOTICE IS HEREBY GIVEN that the City Council will meet at 7:30 p.m. on Tuesday, September 11, 2001 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 Pleasant Street between Larpenteur Avenue and Roselawn Avenue, Lake Street between Ione Street and Summer Street, Ione Street between Pleasant Street and Fulham Street, Spring Street between Pleasant Street and Fulham Street, and Summer Street between Pleasant Street and Fulham Street by conducting street reconstruction, sanitary sewer improvements and replacement, water main replacement, storm sewer system improvements, and alley improvements. Adoption by the Council of the proposed assessment against abutting property may occur at the hearing.

The amount to be specially assessed against your particular lot, piece, or parcel of land 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, 2002 and will bear interest at the rate of 7.5 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, 2002. 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 7.5 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 \$ 394,633.66. 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.

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

Sincerely,

Richard B. Getschow
City Administrator

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.

2. *Cul-de-sac Lots.* For cul-de-sac lots, footage equals the lot width at the building setback requirement line.

3. *Curved Frontage Lots.* For other lots with curved frontage, footage equals the dimension of the side of the lot abutting the improvement.

4. *Corner Lots.* When improvements are made to both sides of a corner lot, in the case of a street improvement project which abuts both sides of a corner lot, 100 percent (100%) of the adjusted front footage of the short side will be assessed and 25 percent (25%) of the adjusted front footage of the long side will be assessed for improvement benefiting the respective sides.

The length of the property sides and not the orientation of the principal building shall determine the adjusted front footage in this case. The short property side shall be considered the principal side.

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.

REQUEST FOR COUNCIL ACTION

DATE: 9/25/00

ITEM NO.: H- 1

Department Approval:

Wk.

Manager Reviewed:

CRB

Agenda Section:

Hearings

Item Description: Continued public hearings for special assessments

Background: On September 11, 2000, the City Council held public hearings to consider the assessment rolls for eight public improvement projects. A copy of the project list is attached. At the public hearings, each individual assessment roll was presented and discussed. A separate hearing was held for each improvement, at which time testimony was taken from affected property owners. Following each hearing, the Council continued final action to the September 25, 2000 meeting.

The following is a description of each of the objections raised on **September 11, 2000** followed by a staff analysis and recommendation. This information is summarized in the attached table.

1. Written Objection: **Betty Salmonson- Peterson, 195 Woodlynn Avenue**

PIN and Proposed Assessment: 01-29-23-11-0003

\$3,462.25

Mrs. Salmonson- Peterson questioned the assessable footage of 220 feet, when her actual length of curb in front of her property is 205 feet. It is our policy to assess actual property frontage along right-of-way, not length of street. The property in question is 112,458 square feet (2.5 acres), and could easily be subdivided.

Recommendation: No change in Assessment

2. Written Objection: **M. Filister-**

Rosedale Estates Apartments, 2735, 2755, 2855, & 2835 Rice Street

- The first notice for this property's assessment was not calculated at the correct rate. We have revised the rolls and renoticed the property owner reflecting the following:

PIN and Proposed Assessment

First notice (35%)

Corrected Notice (100%)

01-29-23-41-0001

\$17,736.16

\$50,674.75

01-29-23-44-0001

\$13,726.25

\$39,217.85

- The property does not access the newly reconstructed Woodbridge Street. In addition, previous Council action has limited the use of this frontage to buffer and open space. Unless permission is granted by the City Council the frontage along Woodbridge Street cannot be developed. The owner has requested that we defer the assessment because the property does not receive a benefit from the improvement.

Recommendation: Defer assessment until such time as this property redevelops or accesses Woodbridge Street.

3. Oral Objection: **Josephine Alphonse, 2972 Woodbridge Street:**

PIN and Proposed Assessment: 01-29-23-14-0018

\$1,259.00

Mrs. Alphonse voiced a number of concerns regarding the reconstruction of Woodbridge Street and work done abutting her property. We have met with her and have the following to report:

- Crack in driveway wing: This is a warranty item, the Contractor will replace it this fall.
- Widening of an existing crack in the center of the driveway: This is a damage claim that has been referred to the Contractor.
- Tree health: Two evergreen trees located in the boulevard were trimmed up. There is some sap weeping where the branches were cut off. The City Forester has looked at the trees and stated that the trees appear to be in good health.
- Sod questions: The area under the evergreen trees did not have grass prior to the construction work. The Contractor sodded under the trees after they were trimmed up. The sod appears to be doing as well as the rest of the lawn.

Recommendation: No change in Assessment

4. Oral Objection: **Quent Hecker- 3050 Woodbridge Street**

PIN and Proposed Assessment: 01-29-23-11-0026

\$1,416.38

Mr. Heckert had a concern about his driveway appearance, the Contractor sealed the driveway at the request of the resident to address his aesthetic concerns. He also wanted the City to relocate his northwest property corner, the survey crew has done this at this time.

Recommendation: No change in Assessment

5. Oral Objection: **Michael McGinley- 2801 Woodbridge Street**

PIN and Proposed Assessment: 01-29-23-41-0013

\$1,377.03

Mr. McGinley had questions about the new sanitary sewer service that was installed in conjunction with this project. He had a sewer backup and questioned if the line was clean. We televised the service and found some roots at the connection to the main. The City will work with Mr. McGinley to resolve this obstruction. He also questioned an additional cost on his sanitary sewer service replacement charge. This additional cost was the interest accumulated for waiting a year to pay it off.

Recommendation: No change in Assessment

The following is a description of objections that have been raised since the September 11, 2000 meeting, followed by a staff analysis and recommendation. This information is also summarized in the attached table.

1. Oral Objection: **Robert Selden, Vacant parcel at Woodlynn and Farrington**

PIN and Proposed Assessment: 01-29-23-12-0015 **\$2,286.66**
Original assessment (100%): \$9,146.64

Original roll showed this property owner as State of Minnesota Tax Forfeit Parcel- Tax Exempt. Our policy is to assess tax exempt parcels at 100% regardless of zoning. The property owner called to object to the large assessment. Staff researched the property and discovered that it was purchased on Contract for Deed and was not a tax exempt parcel. Assessment should be adjusted to reflect the 25% rate.

Recommendation: Reduce assessment from \$9,146.64 to \$2,286.66.

2. Written Objection: **Woodlynn Park Civic Association, Lake Access Lot**

PIN and Proposed Assessment: 01-29-23-11-0047 **\$944.25**

The President of the Association is objecting to the assessment for this lot. Stating the lot is unbuildable because of easements. There are City of Roseville, Amoco pipeline and NSP easements on the property. There is a small triangle of land, 990 square feet in area, that is without easement. Considering that this is lakeshore property, it is probable that at some future date it may be built on. A copy of the letter is attached

Recommendation: No change in assessment

Policy Objectives: The assessment roll presented to the Council has been prepared in accordance with the City's assessment policy. All assessment standards were followed in its preparation.

Financial Implications: These projects have been financed using a combination of special assessments, improvement bonds and utility funds. Financing for the individual projects is consistent with past City policy and practice.

Staff Recommendation: Staff has reviewed each of the objections raised at the September 11, 2000 hearing. It is recommended that the Council adopt the attached resolution that outlines the recommended assessment changes and adopts the assessment roll.

RECOMMENDED COUNCIL ACTION:

Approval of a resolution adopting and confirming as amended 2000 assessments for improvements P-99-02-1 9, P-99-02-22, P-99-02-23, P-99-1 3.

Prepared by: Debra Bloom

SUMMARY OF ASSESSMENT OBJECTIONS

Project Number	Property Description	Proposed Assessment	Basis of Objection	Proposed Change
P-99-02-22	01-29-23-11-0003 Betty Salmonson-Peterson 195 Woodllyn Avenue	\$3,462.25	Assessable frontage more than curb frontage	No change- \$3,462.25
P-99-02-23	01-29-23-41-0001 M. Filister Rosedale Estates Apartments 2735, 2755, 2855 & 2835 Rice Street	\$50,674.75	No benefit from improvement	Defer assessment
P-99-02-23	01-29-23-44-0001 M. Filister Rosedale Estates Apartments 2735, 2755, 2855 & 2835 Rice Street	\$39,217.85	No benefit from improvement	Defer assessment
P-99-02-22	01-29-23-14-0018 Josephine Alphonse 2972 Woodbridge Street	\$1,259.00	Driveway, tree and sod concerns	No change- \$1,259.00
P-99-02-22	01-29-23-11-0026 Quent Heckert 3050 Woodbridge Street	\$1,416.38	Driveway concerns	No change- \$1,416.38
P-99-02-23	01-29-23-41-0013 Michael McGinley 2801 Woodbridge Avenue	\$1,377.03	Sanitary sewer concerns	No change- \$1,377.03
P-99-02-19	01-29-23-12-0015 Robert Selden Vacant Parcel at Woodllyn and Farrington Court	\$9,146.64	Determined not a Tax Forfeit Parcel	Change to- \$2,286.66
P-99-02-22	01-29-23-11-0047 Woodllyn Park Civic Association Lake access lot	\$944.25	Unbuildable lot	No change- \$944.25

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.

City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: September 11, 2001
Agenda Item: Resolution 091101B: A Resolution Granting Final Plat Approval for the Broadway Business Park

Background:

At the August 28, 2001 Council meeting, the Council granted preliminary plat approval for the Broadway Business Park. Since that meeting, all of the required information in the preliminary plat for final plat approval has been reviewed by City Staff, the City Engineer, and the City Attorney. The City Attorney has assisted in creating a final plat resolution for approval.

The main instrument involved with the approval of the final plat is the execution of the subdivision/development agreement. The City Attorney has drafted the agreement and revised it through input and direction from the City Engineer, the applicant, and myself. All parties have apparently reached agreement on all aspects of the enclosed final draft of the agreement.

The main issue in the agreement is the payment of funds toward a sanitary sewer improvement that will occur in 2002 to serve the site. I will be able to fully address all aspects of the agreement, and answer any questions that Council may have, at the meeting.

Enclosures:

1. Final Draft of the Subdivision\Development Agreement
2. Resolution 091101B: A Resolution Granting Final Plat Approval for the Broadway Business Park

Council Action Requested:

Approval of Resolution 091101B: A Resolution Granting Final Plat Approval for the Broadway Business Park.

SUBDIVISION AGREEMENT

THIS SUBDIVISION AGREEMENT dated September ___, 2001 is made by and among the city of Lauderdale, a Minnesota municipal corporation (the "City"); Philips Holdings, LLC, a Minnesota limited liability company (the "Owner"); and MGH Enterprises LLC, a Minnesota limited liability company (the "Developer").

WITNESSETH:

WHEREAS, the Owner has applied to the City for approval of a subdivision and plat in the city of Lauderdale. The land which is the subject of this Agreement (the "Property") is legally described on Exhibit A attached hereto; and

WHEREAS, the City has approved the subdivision of the Property on condition that the Owner and the Developer enter into this Agreement, pay the fees required by it, and record the plat with the Ramsey County Recorder or Registrar of Titles; and

WHEREAS, following final plat approval and execution of this Agreement, the Developer may commence development of the Property in conformance with the plans, terms and conditions contained herein; and

WHEREAS, the Developer acknowledges that if it fails to satisfy the conditions of this Agreement, the City may withhold issuance of any building permit, certificate of occupancy or

protective inspections necessary for construction and occupancy of the proposed development;
and

WHEREAS, the City has approved the development of the Property in accordance with the list of plans on Exhibit B attached hereto and the Developer agrees to develop the Property in accordance with the plans.

NOW, THEREFORE, based on the mutual covenants and obligations contained in this Agreement, the parties agree as follows:

1. **PRIVATE IMPROVEMENTS.** The Developer shall be fully responsible for construction of and payment for the following private improvements on the Property:

- a) Lighting
- b) Site grading and ponding, including storm drainage
- c) Private utilities
- d) Surveying and staking
- e) Parking lots

The improvements shall be installed in accordance with City ordinances and the requirements of the city engineer. The Developer shall submit for City approval plans and specifications for connection to public utilities prepared by a competent, duly registered professional engineer under the laws of Minnesota. The Developer shall obtain all necessary permits from the Minnesota Pollution Control Agency, Minnesota Department of Health, Rice Creek Watershed District and other agencies before proceeding with construction. If the Developer constructs private improvements within the permanent easements dedicated to the City on the plat, the City shall have no obligation to repair or replace said improvements, except to restore sod, if the City or the owner of any utility subsequently constructs or repairs public or private utilities within said easement.

The Developer shall instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control. In addition, the City may, at the City's discretion and at the Developer's expense, have one or more City inspectors inspect any work involving connection to public utilities on a full or part-time basis.

The Developer, its contractors and subcontractors, shall follow all instructions received from the City's inspectors. Prior to construction, the Developer or its engineer shall schedule a preconstruction meeting at a mutually agreeable time at city hall with all parties concerned, including the City staff, to review the program for the construction work.

Within thirty (30) days after the completion of the improvements involving connection to any public utility, the Developer shall supply the City with a complete set of reproducible "as constructed" plans, and two complete sets of blue line "as constructed" plans. The plans shall be in digital AutoCADD format using Ramsey County coordinates. Iron monuments must be installed in accordance with Minn. Stat. Sec. 505.02. The Developer's surveyor shall submit a written notice to the City certifying that the monuments have been installed.

2. TIME OF PERFORMANCE. The Developer agrees to install all improvements shown on the approved plans and specifications for infrastructure improvements no later than July 15, 2002.

3. LICENSE. The Owner and the Developer hereby grant the City, its agents, employees, officers and contractors, a license to enter the Property to perform all work and inspections deemed appropriate by the City in conjunction with development of the Property and in accordance with this Agreement.

4. GRADING AND EROSION CONTROL. The Developer agrees to grade the Property in accordance with the approved grading plan listed on Exhibit B. The plan shall conform to City specifications. Upon commencement of grading operations, the

erosion control plan included in Exhibit B shall be implemented by the Developer and inspected and approved by the City. The City may impose additional erosion control requirements if, in the judgment of the City, they would be beneficial. All areas disturbed by the excavation and backfilling operations shall be reseeded immediately after the completion of the work in that area. Except as otherwise provided in the erosion control plan, seed shall be certified oat seed to provide a temporary ground cover as rapidly as possible. All seeded areas shall be fertilized, mulched, and disc anchored as necessary for seed retention. The parties recognize that time is of the essence in controlling erosion.

Within thirty (30) days after completion of the grading the Developer shall provide the City with an "as constructed" grading plan and a certification by a registered land surveyor or engineer that all ponds, swales, and ditches have been constructed as shown. The "as constructed" plan shall include field-verified elevations of location and elevation of the storm water pond and shall be in digital AutoCADD format using Ramsey County coordinates.

5. **CLEAN UP.** The Developer shall daily clean dirt and debris from streets that have resulted from construction work by the Developer, its agents or assigns. Prior to any construction on the Property, the Developer shall identify in writing a responsible party for erosion control, street cleaning, and street sweeping.

6. **CITY EXPENSES.** The Developer agrees to reimburse the City for its legal, engineering, planning and other expenses associated with drafting and negotiating this Agreement, review of the plat of the Property and related to inspection of the Developer's construction work. The City acknowledges that it has previously received \$2,000 from the Developer for such expenses. Upon execution of this Agreement, the Developer agrees to pay the City an additional \$3,000. The City will record its expenses and reimburse itself from the \$5,000 paid by the Developer. The City will provide the Developer with an invoice for such work upon completion. If any funds held under this Agreement remain after payment of the above, such additional funds shall be returned to Developer. If the actual costs incurred by the City exceed \$5,000, the Developer shall

reimburse the City for any additional costs.

7. EASEMENT FOR INGRESS AND EGRESS. The Owner and the Developer agree to execute an instrument acceptable to the City to provide access for ingress and egress over lot 1 for the benefit of lot 2 of the Property. A form of said agreement is attached hereto as Exhibit C. The Owner and the Developer agree to record the agreement with Ramsey County.

8. SANITARY SEWER CONNECTION AND CHARGES. The Property is located in the portion of the City lying west of T.H. 280 and is separated by T.H. 280 from the bulk of the City's infrastructure improvements, including sanitary sewer. There is an existing sanitary sewer connection to the Property which the Developer is authorized to use until the City constructs an upgrade of the system. The City plans to review the matter in 2001 and anticipates construction of sanitary sewer improvements in 2002. The City expects to construct the sanitary sewer improvements within permanent easements adjacent to the Property or dedicated in the plat of the Property. The Developer agrees to cooperate with the City in said construction, including granting such temporary construction easements as may be necessary. The Owner and the Developer acknowledge that the sanitary sewer improvements anticipated herein will be a special benefit to the Property. The Owner and the Developer agree to pay the City \$50,000 towards construction of said improvements and may contribute towards the \$50,000 in any proportion as they may determine. The City agrees not to require any additional contribution for the sanitary sewer improvement project anticipated under this Agreement from the Owner or the Developer and shall not specially assess any portion of the Property for same, except as provided herein.

The Owner and the Developer agree to pay the \$50,000 to the City for the sanitary sewer improvements not later than October 31, 2001. If said funds have not been paid to the City by said date, the City shall have the right and authority to specially assess the Property for up to \$50,000. Such special assessments shall be payable over a period of not less than three years at an annual rate of interest not exceed 10 percent. The Owner

and the Developer, for themselves and for their respective heirs, successors and assigns, hereby waive hearing and notice of hearing with regard to construction of the sanitary sewer improvements and the special assessments. If the funds have not been paid by October 31, 2001 the Owner and the Developer request that the special assessments be levied against the Property and waive their right to appeal under Minn. Stat. Chapter 429.

9. **STORM POND IMPROVEMENTS.** The Developer agrees to construct storm ponding improvements on proposed lot 2 which will be adequate to serve the entire Property. The storm pond will be constructed at the Developer's sole cost and expense and in accordance with the plans and specifications approved by the City. The storm pond improvements will be completed by the Developer no later than April 1, 2002, and must be inspected and approved by the City.

The Owner and the Developer shall have sole and exclusive responsibility, collectively, for maintenance of the storm water improvements. If the Owner and the Developer fail to maintain the storm water improvements and the City determines, in the reasonable exercise of its discretion, that the improvements can no longer serve the storm water requirements of the entire Property, the City may, after 60 days' notice to the Owner and to the Developer, enter the Property and perform such work as it determines is necessary to return the storm water improvements to full function. This Agreement constitutes a license for the City, its agents or contractors, to enter the Property for such purpose but the City is not required to perform such work. The Owner and the Developer agree to reimburse the City for its costs to maintain the storm water improvements. If the Owner or the Developer fails to reimburse the City for its costs, the City may assess any or all of the Property for such costs. Nothing herein shall relieve the Owner or the Developer from any liability for its or their failure to maintain the storm water improvements.

10. **DEVELOPER'S DEFAULT.** In the event of default by the Developer as to any of the work to be performed by the Developer under this Agreement regarding connection to public improvements, the City may, at its option, perform the work. The Developer agrees to promptly reimburse the City for any expense incurred by the City, provided the Developer, except in an emergency as determined by the City, is first given notice of the

work in default, and a reasonable opportunity to cure the default. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek a court order for permission to enter the Property. When the City does any such work, the City may, in addition to its other remedies, assess the cost in whole or in part against all or any part of the Property.

11. NOTICES. Required notices to any party shall be in writing, and shall be either hand delivered or sent by U.S. certified mail as follows:

- | | | |
|----|---------------------|---|
| a) | As to the City | City of Lauderdale
1891 Walnut Street
Lauderdale MN 55113
Attn: City Administrator |
| b) | As to the Owner | Philips Holdings LLC

_____ |
| c) | As to the Developer | MGH Enterprises LLC
650 Grand Avenue
St. Paul MN 55105
Attn: Mike Huber |

or to such other address as any party may indicate pursuant to this section.

12. MISCELLANEOUS. The parties agree to the following additional terms and conditions:

- a) The Owner and the Developer shall hold the City and its officers, employees, and agents harmless from claims made by the Owner or the Developer or by third parties for damages sustained or costs incurred resulting from plat approval and development of the Property. The Owner and the Developer shall indemnify the City and its officers, employees, and agents for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including

attorneys' fees.

- b) The Owner and the Developer shall reimburse the City for costs reasonably incurred in the enforcement of this Agreement, including engineering and attorneys' fees.
- c) If any portion, section, subsection, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Agreement.
- d) The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers must be in writing, signed by the parties and approved by written resolution of the Lauderdale city council. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- e) This Agreement shall run with the Property and shall be recorded against the title to the Property. The parties agree to make any modifications to this Agreement as may be necessary to allow it to be recorded with Ramsey County. The Owner represents that it has fee title to the Property, that there are no unrecorded interests in the Property, and that the Owner will indemnify and hold the City harmless for any breach of the foregoing covenants.
- f) Each right, power or remedy herein conferred upon the City is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to City at law or in equity or under any other agreement. Each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.

- g) The Developer may not assign this Agreement without the written permission of the City, unless prior thereto, the Developer shall notify the City of its intent to assign the Agreement and shall provide the City with copies of such documents associated therewith as the City may reasonably require. After receipt of said notice and documents, the City shall have 10 days to object to said assignment. If the City fails to object to the assignment within said 10 days, the Developer may proceed to assign this Agreement without further approval by the City.

CITY OF LAUDERDALE

(SEAL)

BY: _____
Jeffrey Dains, Mayor

BY: _____
Rick Getschow, City Administrator

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of September, 2001, by Jeffrey Dains, Mayor, and by Rick Getschow, City Administrator, of the city of Lauderdale, a Minnesota municipal corporation, on behalf of the municipal corporation.

NOTARY PUBLIC

PHILIPS HOLDINGS LLC

By _____
Its _____

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of September, 2001, by _____, the _____ of Philips Holdings LLC, a Minnesota limited liability company, on behalf of the limited liability company.

NOTARY PUBLIC

MGH ENTERPRISES LLC

By _____
Its _____

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of September, 2001, by _____ of MGH Enterprises LLC, a Minnesota limited liability company, on behalf of the limited liability company.

NOTARY PUBLIC

EXHIBIT A

The Property is legally described as Lots 1 and 2, Block 1, Broadway Business Park, Ramsey County, Minnesota.

EXHIBIT B

The following is a list of approved development plans:

- a) Plat prepared by John Oliver & Associates, Inc. dated _____, 2001;
- b) Site and utility plan;
- c) Grading and erosion control plan;
- d) Landscaping plan prepared by _____ dated _____, 2001; and
- e) Storm sewer drainage map.

EXHIBIT C

[Attach copy of final Storm Pond Improvement and Easement Agreement
between Owner and Developer]

Member _____ introduced the following resolution and moved its adoption:

CITY OF LAUDERDALE

RESOLUTION NO. _____

**RESOLUTION GRANTING FINAL PLAT APPROVAL FOR
BROADWAY BUSINESS PARK**

WHEREAS, Philips Holdings LLC, a Minnesota limited liability company (the “Applicant”) is the owner of property located in Ramsey County currently legally described on Exhibit A attached hereto (the “Property”); and

WHEREAS, on August 28, 2001, the city council (the “City”) granted preliminary approval to the proposed plat; and

WHEREAS, the Applicant has requested final approval of the plat, which plat has been reviewed by the city staff for compliance with city ordinances and the terms of preliminary plat approval.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Lauderdale, Minnesota, that final approval be granted to the Applicant for the plat of Broadway Business Park, subject to the following terms and conditions:

1. The Applicant must provide for legal access to proposed Lot 2 through proposed Lot 1 by means of an instrument satisfactory to the city which will be placed of record with Ramsey County;
2. The Applicant must pay to the City an administrative fee in an amount necessary to reimburse the city for the cost of reviewing this application;
3. The Applicant and the party purchasing proposed Lot 2 must execute a subdivision agreement with the city in a form satisfactory to the City;
4. The final plat must be filed with Ramsey County within 60 days of the date of approval of this resolution or the approval hereby granted shall be null and void.

Dated: September 11, 2001.

Jeffrey Dains, Mayor

ATTEST:

Rick Getschow, City Administrator


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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

MEMOS BY JAMES

DATE: SEPTEMBER 11, 2001
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, ADMINISTRATIVE ANALYST
RE: STORM WATER MANAGEMENT PLAN FOR 2520 BROADWAY DR



BACKGROUND

City Engineer Paul Heuer has reviewed Hamline Auto Body's storm water management plan. I have attached his memo, dated September 5, 2001 for your review.

CITY COUNCIL ACTION REQUESTED

Approve the storm water management plan contingent on the applicant making the minor changes recommended by the City's Engineer in his memo.

MEMO

Lauderdale

TO: *Rick Getschow*
FROM: *Paul Heuer*
RE: *Hamline Auto Body – Amcon*
FILE: *BRA File No. 532-gen*
DATE: *September 5, 2001*




We have reviewed the Hamline Auto Body storm water management plan. The reviewed engineering plans included: Site & Utility Plan dated June 5, 2001, Grading & Erosion Control Plan dated June 5, 2001, and Storm Sewer Drainage Map dated August 3, 2001. We find the storm water management plan to be acceptable, contingent on the applicant making the following minor changes.

- We recommend that CBMH 104 be constructed with a 3-foot sump to aid in removal of sediment periodically. Maintaining a sump on a periodic basis is easier than dredging the pond.
- The elevations for the weir and orifice structure in the manhole shown in Section A-A of the detail titled "Outlet Structure with Skimmer Detail" on Sheet C4 are inaccurate.
- The diameter of the Outlet Structure should have steps and a diameter of 6-feet to allow for entrance to the structure for maintenance.

Cc: Wayde Johnson, Amcon

MEMOS BY JAMES

DATE: SEPTEMBER 11, 2001
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, ADMINISTRATIVE ANALYST
RE: CONDITIONAL USE PERMIT APPLICATION FOR 2520 BROADWAY DR
(TABLED FROM JULY 10, 2001)



BACKGROUND

PROPOSAL: Request for a Conditional Use Permit allowing for an auto body service & repair facility. The property in question is zoned I-1 Industrial.

APPLICANT: Amcon Construction on behalf of Hamline Auto Body
200 West Highway 13
Burnsville, MN 55337

PROPERTY OWNER: Philips Holdings LLC
2601 Broadway NE
Minneapolis, MN 55413

PROPERTY LOCATION: South 3.1 Acres of the 6.8 total acre site at 2520 Broadway Drive
Lauderdale, MN 55113

Attached as Exhibit A is the conditional use permit application for your review.

CONDITIONAL USE PERMIT REQUEST

According to Title 10-6-1 of the Lauderdale City Code, auto body service & repair facilities are not specifically listed as a permitted use or as an approved conditional use in the I-1 District.

However, Title 10-6-2 of the City Code states that conditional uses "similar in nature, and not detrimental to the integrity of the district, may be authorized by the Council in accordance with Chapter 12 of this Title".

PROPERTY INFORMATION

Phillips Holdings LLC currently owns the entire 6.8 acre site at Highway 280 & Broadway. Hamline Auto Body proposes to purchase the southern 3.1 acres for the auto body & repair facility.

REQUIREMENTS FOR APPROVAL OF A CONDITIONAL USE PERMIT

Title 10-12-4 & 10-12-5 of the City Code allows the City Council to consider the following for the approval of a conditional use permit:

- 1) Does the use conform to the I-1 District?
- 2) Will the use provide a harmonious relationship with adjacent properties?
- 3) Is the visual impression & environment of the use consistent with the district?
- 4) Does the use organize vehicular access & parking in a way that minimizes traffic congestion in the district?
- 5) Does the use promote the objectives of Title 10 of the City Code: Zoning, and the Land Use & Tax Base section of the Lauderdale Comprehensive Plan?
- 6) Does the use comply with the following performance standards?
 - a. Fire Protection.
 - b. Electrical Disturbance.
 - c. Noise.
 - d. Vibrations.
 - e. Odors.
 - f. Air Pollution.
 - g. Glare.
 - h. Erosion.
 - i. Water Pollution.

STAFF FINDINGS & REVIEW

Please refer to the previous memo dated July 10, 2001 for the initial staff findings and review. Outstanding issues including access to the site and approval of the sanitary sewer plan will be resolved through approval of the subdivision plat, which needs action before this conditional use item. The storm water management plan will also be resolved through a separate approval before this item.

Most of the environmental performance standards will be regulated by Ramsey County through Hamline Auto Body's Hazardous Waste Generator License. The generated waste would consist of mostly paint and paint thinner. Waste would be placed in sealed and labeled containers and removed from the site. Any necessary environmental inspections of the site would be performed by Ramsey County.

The State Fire Marshall's Office recommends that auto body service and repair facilities have a paint-spraying booth. This is due to the possible fire hazard associated with the over-spray of flammable paint. Paint spraying booths also help to contain and to vent vapors that can be harmful and flammable. This issue and other fire prevention issues such as the sprinkler system will be addressed during the building permit process.

PLANNING COMMISSION ACTION

The Planning Commission did not meet to discuss the conditional use permit application due to the lack of a quorum. Instead, this action item was placed directly on the council agenda per Title 2-1-10-4:K of the current Zoning Ordinance. The Planning Commission received the information packet and have been invited and encouraged to attend the council meeting in order to provide input to the Council.

PUBLIC HEARING FOR THE CONDITIONAL USE PERMIT REQUEST

The public hearing for the conditional use request was held on July 10, 2001.

CITY COUNCIL ACTION REQUESTED

Approve or deny the request for a conditional use permit, attaching any conditions deemed necessary for approval.

Exhibit A



Hamline Auto Body's Current Conditional Use Permit Application

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.631.0300 Fax: 651.631.2066

ZONING APPLICATION

<u>Type of Request</u>	<u>Amount</u>
<input type="checkbox"/> Variance	\$ 75
<input type="checkbox"/> Zoning Amendment	\$100
<input checked="" type="checkbox"/> Conditional Use	\$165
<input type="checkbox"/> PUD	N/A
<input type="checkbox"/> Other	

Name of Applicant AMCON CONSTRUCTION ON BEHALF OF HAMLINE AUTO BODY

Address 200 WEST HIGHWAY 13

City BURNSVILLE State MN Zip 55337

Address of Property 2520 BROADWAY, LAUDERDALE
(if different than above)

Day Phone (952) 890-1217 Evening Phone _____ Fax (952) 890-0064

Please describe why you are applying for this application THE PROPOSED USE,
AUTO BODY SERVICE & REPAIR IS DESIGNATED AS A CONDITIONAL
USE BY THE ZONING CODE.



Applicant's Signature
MICHAEL J. MONN
PROJECT ARCHITECT
AMCON CONSTRUCTION COMPANY

6/5/2001

Date

For Office Use Only

Date of Application 6-5-01 Amount Paid \$165 Receipt Number 6031
PIN # _____

Recommendation of Planning Commission (approve / deny) Meeting Date N/A
Date of Public Hearing 7-10-01
City Council Action Taken (approved / denied) Meeting Date _____
Conditions? _____

Need extension after 10-3-01.

Amcon Construction Company

200 West Highway 13

Burnsville, Minnesota 55337

Phone: (612) 890-1217 Fax: (612) 890-0064

Conditional use request

Date: June 5, 2001

Project: Hamline Auto Body
Lauderdale, MN

From: Michael J. Monn A.I.A.

The new development for Hamline Auto Body is proposed to be located on the vacant land along the West Side of Highway 280, south of Broadway. The existing 6+ acre parcel will be subdivided to provide for a 3.1 acre lot at the south end of the development for Hamline. Access to the parcel will be off of Broadway from the north. The site is laid out with the primary public access areas at the north end of the site and the operational areas of the facility to the south end. The orientation of the building and the layout of the facility are impacted directly by the narrow east-west dimension of the property. This situation is further impacted by the existing overhead power line easement along the west property line.

The proposed use, auto body repair & service, is listed as a conditional use under the zoning ordinance and is in compliance with the City Code.

This use on the proposed site is a perfect buffer from the large-scale industrial buildings to the west and the highway and residential areas to the east. The scale and size of the building will serve as a transition from the industrial park. The building will be constructed primarily of precast concrete wall panels with an integral colored exposed aggregate finish. The office area of the building will be constructed of decorative integral colored concrete block with an aluminum and glass curtainwall system for the entrance facade. The facility will have an approximate height of 22' above grade for the shop areas and 28' for the office area.

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.631.0300 Fax: 651.631.2066

July 19, 2001

Michael J. Monn
Project Architect
Amcon Construction Company
200 West Highway 13
Burnsville, MN 55337

RE: Application for conditional use permit and variance application on behalf of Hamline Auto Body.

Dear Mr. Monn:

State Statute allows the City of Lauderdale 60 days to process the above referenced application, which was received by the City on June 5, 2001. However, we are notifying you that the application review process will take longer than 60 days. According to State Statute 15.99, Subd. 3 (f), the City may extend the original 60-day deadline an additional 60 days. A final decision to deny or approve your variance must be made by October 4, 2001.

Feel free to contact me at City Hall should you have any questions or concerns.

Sincerely,




James Bownik
Administrative Analyst

Cc: Wayde Johnson
Senior Project Manager
Amcon Construction Company
200 West Highway 13
Burnsville, MN 55337

MEMOS BY JAMES

DATE: SEPTEMBER 11, 2001
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, ADMINISTRATIVE ANALYST
RE: VARIANCE TO THE ZONING ORDINANCE REQUEST FOR
2520 BROADWAY DRIVE (TABLED FROM JULY 10, 2001)



BACKGROUND

PROPOSAL: Request for a Variance to the Side Yard Setback Requirements – to go from 20 feet to 13 feet from the east property line along Highway 280. The property in question is zoned I-1 Industrial.

APPLICANT: Amcon Construction on behalf of Hamline Auto Body
200 West Highway 13
Burnsville, MN 55337

PROPERTY OWNER: Philips Holdings LLC
2601 Broadway NE
Minneapolis, MN 55413

PROPERTY LOCATION: South 3.1 Acres of the 6.8 total acre site at 2520 Broadway Drive
Lauderdale, MN 55113

Hamline Auto Body is applying for a variance to the side yard setback requirements to go from 20 feet to 13 feet from the east property line along Highway 280. The applicants propose to construct a new building on the south 3.1 acres of the total 6.8 acre site at 2520 Broadway Drive. The proposed building is restricted by an Xcel Energy powerline easement on the west side of the property that does not allow building construction in the easement area. The current Zoning Ordinance regulates the side yard setback in I-1 Industrial Districts to 20 feet.

Attached as Exhibit A is the current variance application from Hamline Auto Body for your review.

There are no other setback, height, or lot coverage issues associated with this variance application. There is a front and rear yard setback requirement of 30 feet in this district, however, Hamline Auto Body is not intending to encroach into the front or rear yard setback area. The proposal will not exceed the 35-foot height requirement. Also, the current Zoning Ordinance does not regulate lot coverage for this type of use in the I-1 District.

Attached as Exhibit B is the Table of Land and Yard Requirements from the current Zoning Ordinance.

SITE PLAN AND VARIANCE REQUEST

Exhibit A has a site plan provided by the applicant which details where the applicant proposes to construct the new building. The proposal is to construct the new building along the east property line, which is Highway 280. The applicant is requesting that the 20-foot side yard setback regulation be relaxed to 13 feet due to a restricted Xcel Energy powerline easement on the west side of the property.

POLICIES AND PROCEDURES FOR VARIANCE APPROVAL

In reviewing this variance request, the Council should consider the Zoning Ordinance requirements as well as relevant State Statutes. The following should be considered:

- Chapter 3 of the Zoning Ordinance defines variances as follows:

"The Board shall hear requests for variances from the literal provisions of this Title in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Title. The Board of Appeals and Adjustments may not permit as a variance any use that is not permitted under this Title for property in the zone where the affected person's land is located".

- According to State Statute 462.357, Subd. 6, the following regulations apply to variances:

The board of appeals and adjustments has the following powers with respect to the zoning ordinance: "To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems".

PLANNING COMMISSION ACTION

The Planning Commission did not meet to discuss the variance request due to the lack of a quorum. Instead, this action item was placed directly on the council agenda per Title 2-1-10-4:K of the current Zoning Ordinance. The Planning Commission received

the information packet and have been invited and encouraged to attend the council meeting in order to provide input to the Council.

PUBLIC HEARING FOR THE VARIANCE REQUEST

The public hearing for the variance request was held on July 10, 2001.

CITY COUNCIL ACTION REQUESTED

Approve or deny the variance request, attaching any conditions deemed necessary for approval. If the variance is approved, construction and design plans for the new building will be submitted to the City Building Official for approval before the building permit is issued.

Exhibit A



Hamline Auto Body's Current Variance Application

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113
Phone: 651.631.0300 Fax: 651.631.2066

ZONING APPLICATION

Type of Request	Amount
<input checked="" type="checkbox"/> Variance	\$ 75
<input type="checkbox"/> Zoning Amendment	\$100
<input type="checkbox"/> Conditional Use	\$165
<input type="checkbox"/> PUD	N/A
<input type="checkbox"/> Other	

Name of Applicant AMCON CONSTRUCTION ON BEHALF OF HAMLINE AUTO BODY

Address 200 WEST HIGHWAY 13

City BURNSVILLE State MN Zip 55337

Address of Property 2520 BROADWAY, LAUDERDALE
(if different than above)

Day Phone (952) 890-1217 Evening Phone _____ Fax (952) 890-0064

Please describe why you are applying for this application THE REQUEST IS FOR
A VARIANCE TO THE SIDYARD SETBACK FROM 20' TO 13' FOR THE
EAST PROPERTY LINE ALONG HIGHWAY 280. THE PARCEL IS RESTRICTED
IN THE EAST/WEST DIRECTION BY A POWERLINE EASEMENT.



Applicant's Signature

MICHAEL J. MONN
PROJECT ARCHITECT
AMCON CONSTRUCTION COMPANY

6/5/2001

Date

For Office Use Only

Date of Application 6-5-01 Amount Paid \$75 Receipt Number 6031
PIN # _____

Recommendation of Planning Commission (approve / deny) Meeting Date N/A

Date of Public Hearing 7-10-01

City Council Action Taken (approved / denied) Meeting Date _____

Conditions? _____

Need extension after 10-3-01.

Amcon Construction Company
200 West Highway 13
Burnsville, Minnesota 55337
Phone: (612) 890-1217 Fax: (612) 890-0064

Variance request

Date: June 5, 2001

Project: Hamline Auto Body
Lauderdale, MN

From: Michael J. Monn A.I.A.

The proposed site at the southwest corner of Broadway & Highway 280 is a rather long and narrow parcel. This piece of land is further encumbered by the presence of a overhead power-line easement along the west property line.

We are requesting a variance of the side yard setback on the eastern property line adjacent to highway 280 from the zoning required 20' width to 13'.

Being on the highway side of the parcel, the variance will not negatively effect neighboring properties.

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.631.0300 Fax: 651.631.2066

July 19, 2001

Michael J. Monn
Project Architect
Amcon Construction Company
200 West Highway 13
Burnsville, MN 55337

RE: Application for conditional use permit and variance application on behalf of Hamline Auto Body.

Dear Mr. Monn:

State Statute allows the City of Lauderdale 60 days to process the above referenced application, which was received by the City on June 5, 2001. However, we are notifying you that the application review process will take longer than 60 days. According to State Statute 15.99, Subd. 3 (f), the City may extend the original 60-day deadline an additional 60 days. A final decision to deny or approve your variance must be made by October 4, 2001.

Feel free to contact me at City Hall should you have any questions or concerns.

Sincerely,



James Bownik
Administrative Analyst

Cc: Wayde Johnson
Senior Project Manager
Amcon Construction Company
200 West Highway 13
Burnsville, MN 55337

Exhibit B

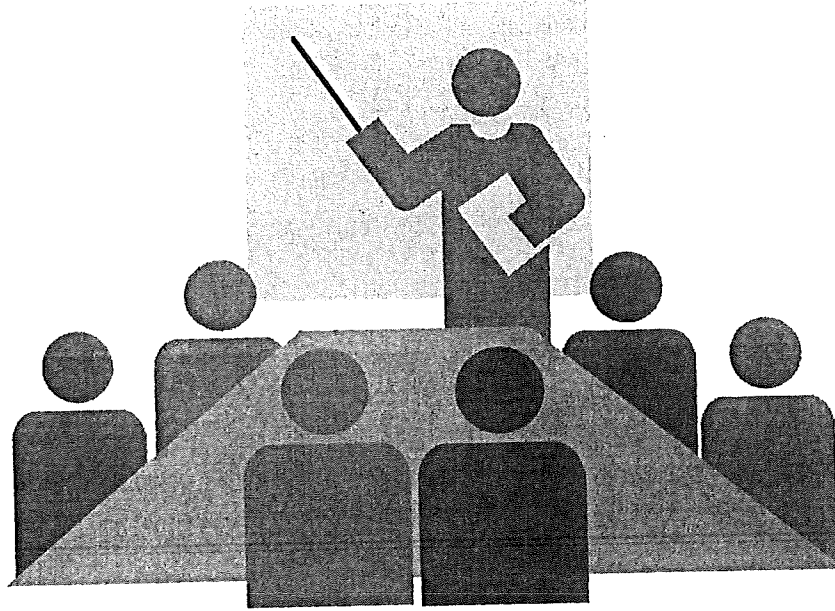


Table of Land & Yard Requirements

10-8-8

10-8-8

10-8-8: TABLE:

LAND AND YARD REQUIREMENTS TABLE								
District	Lot Size		Yard Setback			Site Area Per Dwelling (sq. ft.)	Maximum Coverage* (%)	Usable Open Space (%)
	Area (sq. ft.)	Width (ft.)	Front (ft.)	Rear (ft.)	Side (ft.)			
R-1 Suburban Residential								
Single Family Dwellings	7,500	60	30	20	5	7,500	**30	-
Two Family Dwellings	10,000	80	30	20	5	5,000	***30	-
Other Uses	10,000	80	30	20	5	-	-	-
R-2 Urban Residential								
Single Family Dwellings	5,000	40	25	20	5	5,000	**30	-
Two Family Dwellings	7,500	60	25	20	5	3,750	***30	-
Townhouses	2,500	20	25	20	-	5,000	20	52
Multi Family Dwellings	7,500	60	25	20	10	1,875	28	44
Other Uses	10,000	75	25	20	10	-	-	-
R-3 Multiple Residential								
Single Family Dwellings	5,000	40	20	20	10	5,000	**30	-
Two Family Dwellings	7,500	60	20	20	-	3,750	***30	-
Townhouses	2,500	20	20	20	-	5,000	20	52
Multi Family Dwellings	25,000	100	20	20	15	870	30	40
Other Uses	5,000	50	20	20	10	-	-	-
B-1 Community Business								
Multi Family Dwellings	5,000	50	-	15	-	1,675	28	44
Other Uses	5,000	50	-	15	-	-	-	-
I-1 Light Industrial								
All Uses	1 acre	150	30	30	20	-	-	-
C-1 Conservation								
All Uses	2 acres	300	50	30	30	-	-	-
* Maximum coverage shall be the percentage of lot area enclosed by the exterior faces of the exterior walls.								
** Figure includes assumed garage coverage of 576 sq. ft.								
*** Figure includes assumed garage coverage of 1,252 sq. ft.								

(Zoning Ord. as amd.)

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

DATE: SEPTEMBER 11, 2001
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, ADMINISTRATIVE ANALYST
RE: CONDITIONAL USE PERMIT APPLICATION FOR STATE TRUNK
 HIGHWAY 280, WEST SUMMER STREET
 (TABLED FROM AUGUST 28, 2001)

BACKGROUND

PROPOSAL: Request for a Conditional Use Permit allowing for a supply yard.
 The property in question is zoned I-1 Industrial.

APPLICANT: Historic Stone
 1345 Summit Avenue
 St. Paul, MN 55105

PROPERTY Historic Stone
OWNER: 1345 Summit Avenue
 St. Paul, MN 55105

PROPERTY State Trunk Highway 280, West Summer Street
LOCATION: Lauderdale, MN 55113

CONDITIONAL USE PERMIT REQUEST

According to Title 10-6-2-E-6 of the Lauderdale City Code, supply yards are listed as an approved conditional use in the I-1 District.

Attached as Exhibit A is the conditional use permit application for your review.

PROPERTY INFORMATION

Historic Stone acquired the 0.47-acre tax-forfeited site earlier this year. Historic Stone proposes to use the site as a supply yard for recycled natural stone and clay. The materials would consist of granite and marble slabs for patios, sand and limestone blocks for retaining walls, decorative terra cotta used as garden highlight pieces, and brick and cobblestone pavers for driveways and walking paths. No retail sales are proposed for the site, only storage of the above mentioned materials.

At the August 28 meeting, the following information was discussed regarding the entrance to the site:

- Historic Stone has an access from Highway 280 through a shared driveway with the adjacent property to the north.
- Mn/DOT authorized Historic Stone to access the site on a temporary trial basis, but did not grant an access permit.
- Mn/DOT would monitor use of the entrance.
- If the use of the entrance creates safety concerns or the use of the entrance disrupts traffic flows, Mn/DOT might require Historic Stone to construct a right turn lane and acceleration lane.
- When multiple loads are hauled to or from the site, Mn/DOT requires notification.
- Trucks must use the break in traffic due to the stoplight at Broadway Drive when exiting, and be careful not to deposit material onto the roadway. Mn/DOT is also prohibiting hauling from occurring during the morning and afternoon rush hour.

Attached as Exhibit B is a copy of Mn/DOT's letter to Historic Stone dated June 20, 2001 regarding access to the site.

At the August 28 meeting, the City Council expressed concerns regarding safety and traffic disruption. Based on these concerns, staff was directed to do further research. The research produced the following information:

- Since Historic Stone already had legal access to the site, Mn/DOT only required Historic Stone to apply for an access permit because the site would experience a change of use.
- Mn/DOT was going to require Historic Stone to construct a right turn lane and acceleration lane as a condition to granting an access permit. However, a temporary trial access was authorized as a result of a compromise between Mn/DOT and Historic Stone after Historic Stone did not want to invest the estimated \$20,000 to \$50,000 for the improvements.
- Mn/DOT does feel that requiring a right turn lane and acceleration lane would reduce safety concerns and liability.
- If the driveway entrance needed to be widened, Historic Stone would need an access permit from Mn/DOT to work in the right-of-way.
- Mn/DOT would not commit to whether they would grant the permit.
- Mn/DOT requires Historic Stone to contact them when multiple loads are being hauled to or from the site so that they can monitor the site and know how to field possible complaints. Mn/DOT does not plan to place signs by the road, close lanes, etc. The placement of signs or other measures would be the responsibility of Historic Stone.
- Mn/DOT did not clearly answer what they mean by "multiple loads".

I requested a letter from Mn/DOT with the following information: 1) Whether or not they would grant Historic Stone an access permit, 2) If they did grant Historic Stone an access permit, would they require Historic Stone to construct a right turn lane and an acceleration lane, 3) How do they define "multiple loads". We had not received a letter from Mn/DOT as of Friday, September 7, but may have something on Monday or Tuesday.

REQUIREMENTS FOR APPROVAL OF A CONDITIONAL USE PERMIT

Title 10-12-4 & 10-12-5 of the City Code allows the City Council to consider the following for the approval of a conditional use permit:

- 1) Does the use conform to the I-1 District?
- 2) Will the use provide a harmonious relationship with adjacent properties?
- 3) Is the visual impression & environment of the use consistent with the district?
- 4) Does the use organize vehicular access & parking in a way that minimizes traffic congestion in the district?
- 5) Does the use promote the objectives of Title 10 of the City Code: Zoning, and the Land Use & Tax Base section of the Lauderdale Comprehensive Plan?
- 6) Does the use comply with the following performance standards?
 - a. Fire Protection.
 - b. Electrical Disturbance.
 - c. Noise.
 - d. Vibrations.
 - e. Odors.
 - f. Air Pollution.
 - g. Glare.
 - h. Erosion.
 - i. Water Pollution.

STAFF FINDINGS & REVIEW

1) Does the use conform to the I-1 District?

The use appears to conform to the approved conditional uses in the I-1 District.

2) Will the use provide a harmonious relationship with adjacent properties?

A representative for Hamline Auto Body had expressed some concerns at the August 28 meeting. These concerns include site access, possible sanitary sewer improvements, and storm water/grading/erosion concerns. These are further addressed in a letter from Amcon Construction to the City Administrator dated August 30, 2001.

Attached as Exhibit C is Amcon Construction's letter to the City Administrator dated August 30, 2001.

The City Council may now want to consider granting this conditional use permit on the conditions that the applicant grants the City of Lauderdale a 10-foot utility easement along the east property line and that the applicant obtains all necessary permits from applicable agencies such as the Rice Creek Watershed District. The access concerns are addressed in #4 below.

3) ***Is the visual impression & environment of the use consistent with the district?***

The visual impression and environment of the use would consist of a supply yard of recycled natural stone and clay. The proposed screening consists of using existing trees as natural buffers on the south and west side of the site, and erecting a six-foot tall chain link fence on the east side of the property - running north and south directionally. The applicant stated that this fence would connect to an existing fence on the north side of the property.

The applicant has updated the screening plan to add plastic slats to the cyclone fence, reducing the visibility by 80%. The City Council can still consider requiring the applicant to use natural screening, as suggested by the Chair of the Planning Commission.

Attached as Exhibit D is a visual impression that was submitted.

4) ***Does the use organize vehicular access & parking in a way that minimizes traffic congestion in the district?***

Historic Stone has received authorization from Mn/DOT to access the site on a trial basis with restricted hours and other conditions. An access permit has not been granted at this time. Traffic congestion, noise, and safety concerns could be issues. Additionally, when Highway 280 is reconstructed, Mn/DOT intends to remove Historic Stone's entrance and establish access control. It would be virtually impossible at that point for the applicant to conduct business from this site.

In light of the recent Mn/DOT discussions, the City Council may now want to consider granting this conditional use permit on the conditions that the applicant first receive an access permit from Mn/DOT for unlimited access to the site and that the applicant constructs a right turn lane and an acceleration lane.

5) ***Does the use promote the objectives of Title 10 of the City Code: Zoning, and the Land Use & Tax Base section of the Lauderdale Comprehensive Plan?***

The use does not appear to promote the objectives of the Zoning Ordinance and the Land Use & Tax Base section of the Comprehensive Plan by encouraging development and/or redevelopment of commercial and industrial properties for the purpose of increasing tax base. No building or other improvement of value is proposed to be constructed at the site.

6) ***Does the use comply with the following performance standards?***

- a. ***Fire Protection.***
- b. ***Electrical Disturbance.***
- c. ***Noise.***
- d. ***Vibrations.***
- e. ***Odors.***
- f. ***Air Pollution.***
- g. ***Glare.***

- h. Erosion.***
- i. Water Pollution.***

The use appears to comply with the performance standards mentioned above.

SITE PLAN

Attached as Exhibit E is the Historic Stone's Site Plan and updated Screening Plan for your review.

PLANNING COMMISSION ACTION

The Planning Commission did not meet to discuss the conditional use permit application due to the lack of a quorum. Instead, this action item was placed directly on the council agenda per Title 2-1-10-4:K of the current Zoning Ordinance. The Planning Commission received the information packet and have been invited and encouraged to attend the council meeting in order to provide input to the Council.

PUBLIC HEARING FOR THE CONDITIONAL USE PERMIT REQUEST

The public hearing for the conditional use request was held on August 28, 2001.

CITY COUNCIL ACTION REQUESTED

Approve Historic Stone's conditional use permit application pursuant to the following conditions:

- 1) The applicant first receives an access permit from Mn/DOT for unrestricted access to the site, as well as Mn/DOT approval to widen the current driveway.
- 2) The applicant construct a right turn lane and an acceleration lane.
- 3) The applicant submits a driveway permit application to the City of Lauderdale to bring the current gravel driveway at the site into compliance with the City's current driveway construction standards for gravel driveways, according to Title 9-10-6-A-3 of the Lauderdale City Code.
- 4) The applicant obtains all necessary permits from applicable agencies such as the Rice Creek Watershed District.
- 5) The applicant grants the City of Lauderdale a 10-foot utility easement along the east property line.
- 6) The applicant includes natural screening as part of the updated screening plan.

Exhibit A



Historic Stone Conditional Use Permit Application

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113
Phone: 651.631.0300 Fax: 651.631.2066

ZONING APPLICATION

Identifying Information

Name of Applicant HISTORICAL STONE Address 1345 SUMMIT AVENUE BERGIN
City ST. PAUL State MN Zip 55105
Phone (W) 651-644-1234 Phone (H) 651-439-5766 Fax 651-644-1234 BERGIN
LANGER

Information Requested

Type of Request:

☐ Variance (\$45) ☐ Zoning Amendment ☐ PUD
☒ Conditional Use (\$165) ☐ Home Occupation (\$50) ☐ Other

Address of Property 1/4 MILE SOUTH OF BROADWAY ON HWY 280

Description of Request (including proposed use of property) CONDITIONAL USE PERMIT FOR SUPPLY YARD

Frank Langer
TR Bergin
Applicant's Signature

FRANK B. LANGER CO-OWNERS
THOMAS R. BERGIN JR
Please Print Applicant's Name

5-31-01
Date

SHADED AREA FOR OFFICE USE ONLY:

Date of Application 6-6-01 Fee Paid 165.00 Receipt No. 6028

Property I.D. (PIN) No.:

Recommendation of Planning Commission:

Approved _____ Denied _____ by the Planning Commission on N/A

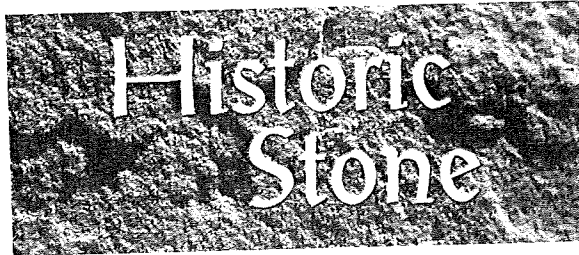
City Council Action:

Hearing Date 5-28-01 Approved _____ Denied _____ by the Council on _____
Conditions to be met _____

C:\MSOFFICE\WINWORD\CTYFORMS\APPLIC.DOC

Application date changed to 7-31-01.

13720 North 90th Street
Stillwater, MN 55082
651-439-5766



Lauderdale City Council Members,

June 04, 2001

Historic Stone is requesting a conditional use permit for our property in Lauderdale. Our intention is to use the property as a supply yard. Our product is recycled natural stone and clay. We specialize in old stone that is reused for renovation and landscaping projects. Currently we handle the following type of inventory: granite and marble slabs for patios, sand and limestone blocks for retaining walls, decorative terra cotta used as garden highlight pieces, and brick and cobblestone pavers for driveways and walking paths.

The site would be used as a storage site. There would not be retail sales at this location. We have agreements with local landscape yards that handle our retail sales. Traffic at the site would be occasional, primarily trucks off loading material.

We are not planning on significant changes to the landscape. We did some preliminary clearing of trees and brush and had a small amount of fill brought in. We would like to grade the north portion of the lot by removing tree stumps and leveling. We are requesting permission to erect a business sign. SWMP

We have legal access to the property from Hwy 280 and have submitted an application to the Department of Transportation for an access use permit. See enclosed letter from our attorney.

Additionally, Minnesota Pollution Control Agency, has verbally stated this lot was cleaned along with the University of Minnesota property directly to the north. The written documentation is included in the final report for the U of M property. We have requested a separate document from MPCA to provide to the council.

The entrance to the site will be locked when not in use.

We appreciate your assistance in allowing Historic Stone to provide quality and original renovation materials to the community.

Thank You

Frank Langer
Co-owners of Historic Stone

Tom Bergin

Kelly & Fawcett, P.A.
ATTORNEYS AT LAW

2350 PIPER JAFFRAY PLAZA
444 CEDAR STREET
SAINT PAUL, MN 55101

PATRICK I. KELLY
SONGLO FAWCETT
STEPHEN KELLY
SIA LO
CHAD D. LEMMONS
KATHLEEN M. LOUCKS
ROBERT I. FOWLER

March 12, 2001

Of Counsel:
JOHN F. BANNIGAN, JR.
MCGUIGAN & HOLLY, P.L.C.

(651) 224-3781
Facsimile (651) 223-8019

E-Mail: kelfawcett@qwest.net

Mr. Frank Langer
13720 - 90th Street North
Stillwater, MN 55082

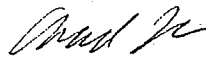
RE: Tax Parcel No: 17-29-23-32-0053

Dear Mr. Langer:

Enclosed herewith please find a copy of the Certificate of Title, as well as the Final Certificate running in favor of the State of Minnesota, filed for record as Document No. 435848. This Final Certificate deals with the condemnation of the right-of-way for State Trunk Highway 280. Parcel 14CSP6421 (280 = 280) 901 described on page 5 of the Final Certificate creates an access easement to Trunk Highway No. 280 over and across the Northerly 15 feet. This means that you have the right to construct an access road to 280 over and across the Northeasterly 15 feet of your property. Based upon the documents already of record, this is still a valid access easement.

Respectfully yours,

KELLY & FAWCETT, P.A.



Chad D. Lemmons

CDL/sjh
encl.

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.631.0300 Fax: 651.631.2066

June 19, 2001

Historic Stone
Attn: Frank Langer
13720 North 90th Street
Stillwater, MN 55082

Dear Mr. Langer:

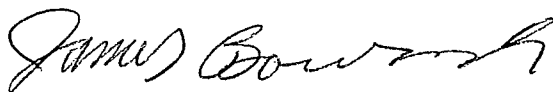
The City of Lauderdale has reviewed the materials that were submitted as part of your conditional use permit application. We were unable to process your application at the current time because your application was considered incomplete. In order to process your application, the City would like the following information: a guarantee of access to the site from MNDOT, and documentation from the MPCA regarding site contamination.

Additionally, a storm water management plan may need to be submitted and reviewed by the City Engineer. This is due to the possible clearing of trees and brush on the site, possible fill being brought to the site, and the type of use proposed for the site.

As allowed by Minnesota State Statute 15.99, the City of Lauderdale is allowed 60 days to process this information once this information is received.

Feel free to contact me at City Hall should you have any questions or concerns.

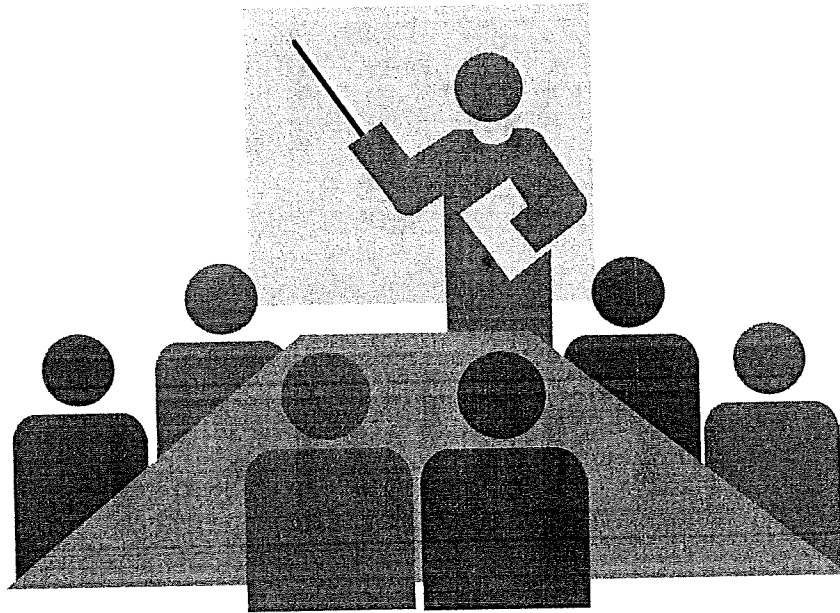
Sincerely,



James Bownik
Administrative Analyst

Cc: Historic Stone
Attn: Thomas Bergin, Jr.
1345 Summit Avenue
St. Paul, MN 55105

Exhibit B



Mn/DOT's Letter
to Historic Stone
Dated June 20, 2001

**Minnesota Department of Transportation**

Metropolitan Division
Waters Edge
1500 West County Road B2
Roseville, MN 55113

June 20, 2001

Frank Langer
13720 North 90th Street
Stillwater, Minnesota 55082

Re: Permit M-A-01-0348 C.S. 6241 T.H. 280

For the use of the existing access on the west side of T.H. 280, approximately 650 feet south of Roselawn Avenue West, in the City of Lauderdale.

Dear Mr. Langer:

Mn/DOT has reviewed your permit application dated April 26, 2001.

The permit will not be issued because of the pending reconstruction of Trunk Highway 280 at this location. As a result of the construction, this entrance will be removed and access control will be established.

In the meantime, I am authorizing you to use the entrance to access the property to use it for storage of landscaping material. As we discussed on the phone this will be on a trial basis. If Mn/DOT determines that your use of the entrance causes safety problems or adversely affects the traffic on Trunk Highway 280, you will be required to stop using it until the issues can be resolved. This may mean that a right turn lane and an acceleration lane will need to be constructed before you can resume using the entrance. The construction would be entirely your responsibility.

The applicant or its contractor shall notify, Mr. Keith Van Wagner, MN/DOT Roadway Regulation Supervisor at 651-582-1443, and inform him when the access will be used for hauling multiple loads into or out of the property.

This permit is subject to the further recommendations of the City of Lauderdale.

When trucks are exiting the site, the drivers shall take make use of the breaks in traffic caused by the signal at Roselawn Avenue.

Page 2


Permit M-A-01-0348 C.S. 6241 T.H. 280

Due to the Twin City rush hour restrictions, use of the access for hauling material into or out of the site, will not be allowed from 6:00 AM to 9:00 AM, or from 3:00 PM to 6:00 PM. unless authorized by the MN/DOT Permit Office at 651-582-1443.

No material shall be deposited on the traveled roadway. The applicant shall take care not to track dirt or other material onto the roadway.

Call me at 651-582-1443 if you have any questions and/or comments regarding the use of this entrance as provided above.

Sincerely,



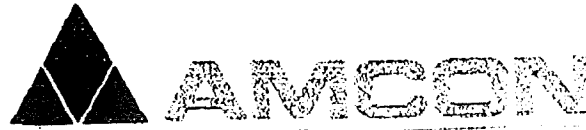
Keith Van Wagner
Mn/DOT Metro Division Regulation Office

cc: Rick Getschow - Lauderdale City Administrator / Fax # 651-631-2066
James Kirchner - Mn/DOT Metro Right of Way
Nancy Daubenberger, P.E. - Mn/DOT Project Manager
Wayne Lemaniak - Mn/DOT Metro Traffic

Exhibit C



Amcon's Letter
to the City
Administrator Dated
August 30, 2001



Design • Construction • Construction Management

August 30, 2001

Mr. Rick Getschow
City Administrator
City of Lauderdale
1891 Walnut Street
Lauderdale, MN 55113

Re: Conditional Use Permit Application - Historic Stone

Dear Rick:

The purpose of this letter is to memorialize our concerns relating to the above conditional use permit request. While we have no specific concerns relating to the use of the property by Historic Stone, we want to make certain that the use is held to the same standards as our current proposal for Hamline AutoBody.

As you are aware, Hamline Auto Body approached the owners of the property to acquire the property to implement a storm water management plan that allowed us greater utilization of our property. So far, Hamline's efforts have fallen short of Historic Stone's monetary expectations.

Our concerns for the proposal include the site access, anticipated sanitary sewer improvements, and lack of grading and storm water management plans for the proposed and future uses.

We have noted that we believe the existing access may include an area of plus or minus eight feet of the proposed Lot 2, Block Broadway Business Park. During Tuesday nights discussion it was mentioned that future access or the proposed access might have the ability to use part of proposed Lot 2, Block 1 Broadway Business Park. Based upon the planned storm holding pond this is not an alternative. Major consequences to the pond's grading plan and functional use of Hamline AutoBody may result from the existing access.

The City Engineer has indicated that a preferred route of the permanent sanitary sewer line is along the West Side of Highway 280. We have agreed to dedicate the public easements to accommodate construction and placement of the future line along Highway 280. It would seem appropriate for the Historic Stone site to dedicate such easements as a condition of their permit, and consider monetary contributions if the site is found to benefit from such an improvement.

Our project is required to follow policies of the Rice Creek Watershed District and provide a grading plan for City review and approval. With close proximity of our storm pond, we feel it is prudent for Rice Creek to review Historic Stone's plans and Historic Stone to provide a grading plan to the City. The grades will be not only critical to ingress and egress from Highway 280 but may also effect the integrity of our pond should proper setbacks not be required.



Once again, we do not oppose the Landowner's quest to utilize their property but feel that standards should apply equally even if the use is "temporary". Please feel free to telephone me if you have any questions.

Sincerely,
Amcon Construction Company



Kevin G. Maas

cc: Mayor Dains
Council Members
Christensen
Gill-Gerbig
Gower
Hawkinson

Exhibit D



Photo of
Historic Stone's
Largest Type
of Inventory

SAND STONE BLOCKS USED
FOR RETAINING WALLS

LARGEST TYPE OF INVENTORY

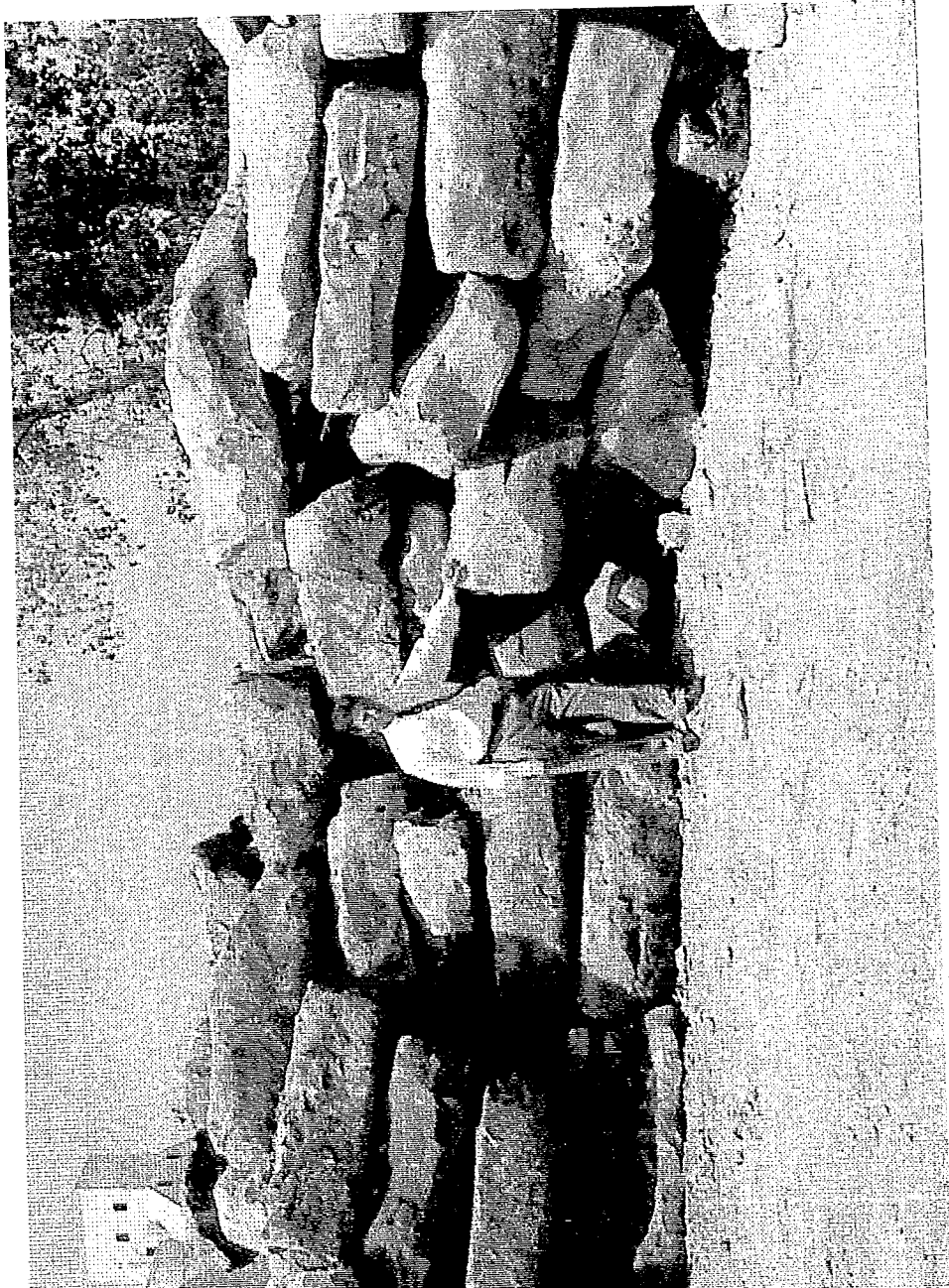
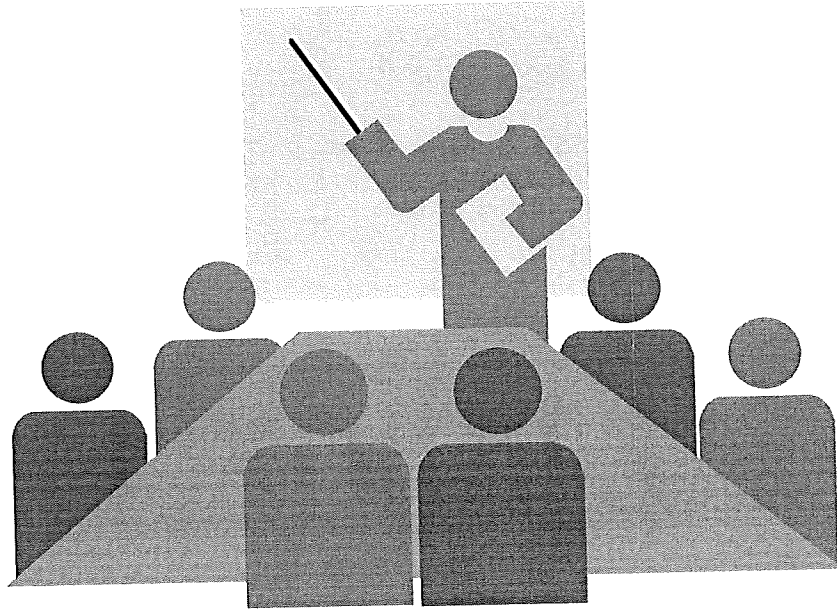


Exhibit E



Historic Stone's Site Plan and Screening Plan

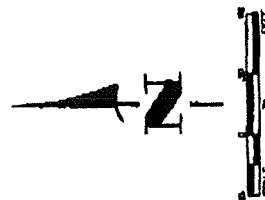
Frank Langer

Order my Dictionary now. Certificate of Title No. 134319

[illegible]

101

1. No field work was performed in the preparation of the property sketch.
2. There is a Northern Spotted Towhee nest along the west line of the property. No comment was noted in the University and Extension report.
3. A Fescue forest, forest thicket, shrub, dryas and clover stands from previous survey dated 7/9/68.



DATE	SYNCH	CHART #	SCALE	PROJECT	PROPERTY SKETCH	DIST
		CFC	1" = 30'		for	1
		SL			Frank Langer	1
		CFC				1

THE UNIVERSITY OF CHICAGO PRESS

TRUNK HIGHWAY NO. 280

The north line of the S. 1977.34 ft. of N 1/2
of the W 1/2 of SW 1/4 of Sec. 17-29-23

Line 10 ft E of the R/W of
Trunk Highway No. 280

The south line of the N. 200 ft. of the S. 1977.34 R. of W 1/2 of the W 1/2 of SW 1/4 of Sec. 17-29-23

centerline of existing track

MINNESOTA BELT LINE RAILWAY AND TRANSFER CO.

Westery line of MINNESOTA BELT LINE RAILWAY AND TRANSFER CO. R.O.W.

6° 0' 58" 33"

The west line of the SW 1/4 of Sec. 17-29-23

LAUDERDALE CITY OFFICIAL

9/05/01

HISTORIC STONE INTENDS TO CONSTRUCT A CYCLONE FENCE ON OUR PROPERTY AT HWY. 280. THE FENCE WILL RUN NORTH AND SOUTH FOR APPROX 400 FEET. THERE WILL BE A GATE ON THE NORTH END OF THE PROPERTY. THE SCREENING MATERIAL IS A COMMERCIAL PRODUCT SOLD SPECIFICALLY FOR SCREENING. THE MATERIAL IS PLASTIC STRIPS THAT IS WOVEN BETWEEN EACH WIRE STRAND FROM TOP TO BOTTOM. THE MATERIAL COMES IN VARIOUS COLORS AS SEEN IN THE SAMPLE. THE CONTRACTOR STATES THIS SCREENING MATERIAL IS USED ON MANY COMMERCIAL FENCES. ONCE INSTALLED THE PLASTIC STRIPS OFFER 80% VISIBILITY RESTRICTION. WE HOPE THIS MEETS THE SCREENING CONCERNS FOR OUR PROPERTY. THANK YOU . FRANK LANGER

City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: September 11, 2001
Agenda Item: 2002 Preliminary Lauderdale Tax Levy

BACKGROUND:

State Statute requires that cities certify their proposed levies to the County Auditor on or before September 15, 2001. As I noted at a previous meeting, the final levy is certified in December. Also at that December meeting the final 2002 Budget is adopted.

In certifying the final levy in December the Council can decrease the amount from the proposed levy amount from September, but it cannot increase the amount. Also, the proposed levy amount is the information given to all residents in the county tax statement that will be sent in December.

As we have discussed in budget discussion, the State Legislature significantly changed the state class rates for determining tax capacity. Based on this change, and in spite of median property values increasing at a brisk pace, the Lauderdale tax capacity will certainly decrease for the first time in three years. This is extremely important because the Council may not be able to avoid an increased tax rate, as we have in the past few years. Fortunately, this may not necessarily result in a proportionate amount of higher taxes because the class rates are lower. As was the case in 1997 and 1998, when class rates were lowered and tax capacity decreased – taxes were vulnerable to rising for residents of Lauderdale because of the major burden shift from the commercial, industrial and public utility property owner to the residential property owner regardless of our action on the levy.

(Note: I will go over all of this again at the meeting. Included in the a packet is an advance peek at some of the materials that I will be using at the December budget hearing that explains some of these budget issues.)

As was stated at the August 28th Council meeting, Ramsey County may not be able to provide tax capacity figures to the cities because of legislature's late adoption of the omnibus tax bill. This means that the tax capacity figures can not be calculated at this time. I used a conservative estimate of a percentage decrease in tax capacity that could be tied to the decreases in the class rates- but this is close to impossible to accurately predict. If I receive the tax capacity data by Tuesday afternoon, I will provide it at the meeting on Tuesday evening.

Based on the my estimate, we will assume that even though the overall total market value of city property has increased, the tax capacity will decrease by approximately 20%.

ENCLOSURES:

1. Information Sheets on 2001 Tax Reform
2. Levy Spreadsheet Options A, B, and C
3. Resolution 091101C: A Resolution Approving the Preliminary 2002 Lauderdale Tax Levy
(There is an applicable resolution for each option that is being considered)

COUNCIL ACTION REQUESTED:

Based on Council discussions at budget meetings and the financial data presented, I am presenting three options for the City Council to approve a preliminary levy.

OPTION A SAME LEVY AS 2001 (SEE SPREADSHEET A)

This was the option that was selected for the 1999 Levy and resulted in a very slight increase in the tax rate. The effect of choosing this option for the 2002 Levy is similar in nature to 1999, but to a much larger degree.

As you can see from the Option A spreadsheet, if the levy is kept the same as 2001 the local tax rate will increase from 27% to 37%. This does not mean this 0% levy increase will bring tax bills up by the same percentage. The rates used to calculate tax capacity are also decreasing, so the average residential tax bill in Lauderdale (on a \$105,000 house) will increase by only \$58.89, assuming property values equal.

In terms of not yet knowing the full impact of the eminent decrease in tax capacity, this option may be the safest for now. If the tax capacity drop is not as severe as I have predicted, this number can be lowered at the December budget meeting.

OPTION B SAME NET (LOCAL) LEVY AS 2001 (SEE SPREADSHEET B)

This is the same as Option A, except that the net or local levy takes the fiscal disparities contribution into account. (See the top of spreadsheet B where the regular levy is in the third column and the net or local levy is highlighted in the fifth column). The regular levy in the third column is the one that is certified to the state and the county, while this local levy subtracts the fiscal disparities for our own examination.

Since the fiscal disparities contribution is decreasing significantly in 2002, adopting Option B is different than Option A in that there is a regular levy decrease that is needed of approximately \$26,000 or 5.4%. The tax rates for Options A and B both increase, but the increase is from 27% to 35% in this option as opposed to the larger increase presented with Levy Option A (27% vs. 37%).

The City could be safe with this option since these are the amounts I have budgeted for in 2002. If we had our tax capacity and market value numbers at this time – this would be the preferred option.

OPTION C SAME TAX RATE AS 2001 (SEE SPREADSHEET C)

This was the option chosen by the Council for the 2000 Levy. But the circumstances last year were much different because the State Legislature has overhauled the property tax system this year.

The Option C spreadsheet illustrates that there would need to be a significant levy decrease to keep the tax rate the same as 2000. The option of keeping the tax rate the same will produce a significantly smaller tax bill for the average Lauderdale home due to the large decrease in class rates. (See Option C spreadsheet).

This option will require the Council to cut the proposed City Budget. There would be a need to potentially alter revenues and expenditures by as much as \$40,000 under this option. In light of recent state legislative changes and uncertainty in the tax capacity values, this option is not the preferred one for 2002.

I AM NOT PRESENTING ANY OPTIONS THAT INCREASE THE LAUDERDALE REGULAR LEVY. IF MEMBERS OF THE COUNCIL WISH TO SEE OTHER OPTIONS ALSO ANALYZED – PLEASE CONTACT ME PRIOR TO THE MEETING SO THAT I CAN PROPERLY PRESENT MORE MATERIAL.

2002 LEVY AND IMPACT ON LAUDERDALE HOMES

OPTION A

	Gross Levy	- HACA =	Levy -	Fiscal Disparities	Net Levy (Local Levy)	Tax Capacity	Net Levy/T.C. = Tax Rate
1994	\$467,402	\$81,668	\$385,734	\$110,174	\$275,560	\$1,110,259	0.24819
1995	\$469,747	\$84,013	\$385,734	\$97,645	\$288,089	\$1,099,160	0.26210
1996	\$480,148	\$80,540	\$399,608	\$111,519	\$288,089	\$1,107,105	0.26022
1997	\$533,775	\$81,305	\$452,470	\$120,053	\$332,417	\$1,290,437	0.25760
1998	\$550,961	\$81,305	\$469,656	\$126,788	\$342,868	\$1,196,529	0.28655
1999	\$550,920	\$81,264	\$469,656	\$138,964	\$330,692	\$1,139,484	0.29021
2000	\$576,618	\$88,212	\$488,406	\$136,506	\$351,900	\$1,212,463	0.29024
2001	\$576,640	\$88,234	\$488,406	\$137,608	\$350,798	\$1,288,844	0.27218
2002	\$488,406	\$0	\$488,406	\$111,278	\$377,128	\$1,000,000	0.37713

\$70,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$70,000 Home
1996	\$70,000	1%	0.2602	\$182.15
1997	\$70,000	1%	0.2576	\$180.32
1998	\$70,000	1%	0.2866	\$200.59
1999	\$70,000	1%	0.2902	\$203.15
2000	\$70,000	1%	0.2902	\$203.16
2001	\$70,000	1%	0.2722	\$190.53
2002	\$70,000	1%	0.3771	\$263.99
DIFFERENCE				\$73.46

\$105,000 Home	Value	x Tax %	x Tax Rate	= Tax on Median Lauderdale Home
1999	\$75,000	1%	0.2902	\$217.66
	\$30,000	1.70%	0.2902	\$148.01
			Total Tax	\$365.67
2000	\$76,000	1%	0.2902	\$220.58
	\$29,000	1.65%	0.2902	\$138.88
			Total Tax	\$359.46
2001	\$76,000	1%	0.2722	\$206.86
	\$29,000	1.65%	0.2722	\$130.24
			Total Tax	\$337.10
2002	\$76,000	1%	0.3771	\$286.62
	\$29,000	1.00%	0.3771	\$109.37
			Total Tax	\$395.98
DIFFERENCE				\$58.89

\$150,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$150,000 Home
1999	\$75,000	1%	0.2902	\$217.66
	\$75,000	1.70%	0.2902	\$370.02
			Total Tax	\$587.68
2000	\$76,000	1%	0.2902	\$220.58
	\$74,000	1.65%	0.2902	\$354.38
			Total Tax	\$574.96
2001	\$76,000	1%	0.2722	\$206.86
	\$74,000	1.65%	0.2722	\$332.33
			Total Tax	\$539.19
2002	\$76,000	1%	0.3771	\$286.62
	\$74,000	1.00%	0.3771	\$279.07
			Total Tax	\$565.69
DIFFERENCE				\$26.50

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

BE IT HEREBY RESOLVED by the City of Lauderdale, Ramsey County, State of Minnesota as follows:

The following tax levies are hereby made against all taxable property in the City of Lauderdale for the tax levy 2001, payable 2002:

Total proposed levy for 2001 payable in 2002: **\$488,406**

This includes fiscal disparities amount of \$111,278.

BE IT FURTHER RESOLVED, that there will not be a certified debt levy for the General Obligation Bonds Series 2000A.

BE IT FURTHER RESOLVED that the City Administrator is authorized and directed at this time to certify this Resolution to the County Auditor of Ramsey County, Minnesota.

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

I, Richard Getschow, being duly qualified and City Administrator for the City of Lauderdale, Ramsey County, Minnesota, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Lauderdale on September 11, 2001 as the same appears in the minutes of said meeting on file and of record in City Offices.

Dated this 11th day of September, 2001.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

RESOLUTION NO. 091101C

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

RESOLUTION LEVYING TAXES FOR 2001 PAYABLE IN 2002

BE IT HEREBY RESOLVED by the City of Lauderdale, Ramsey County, State of Minnesota as follows:

The following tax levies are hereby made against all taxable property in the City of Lauderdale for the tax levy 2001, payable 2002:

Total proposed levy for 2001 payable in 2002: **\$462,076**

This includes fiscal disparities amount of \$111,278.

BE IT FURTHER RESOLVED, that there will not be a certified debt levy for the General Obligation Bonds Series 2000A.

BE IT FURTHER RESOLVED that the City Administrator is authorized and directed at this time to certify this Resolution to the County Auditor of Ramsey County, Minnesota.

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

I, Richard Getschow, being duly qualified and City Administrator for the City of Lauderdale, Ramsey County, Minnesota, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Lauderdale on September 11, 2001 as the same appears in the minutes of said meeting on file and of record in City Offices.

Dated this 11th day of September, 2001.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

2002 LEVY AND IMPACT ON LAUDERDALE HOMES

OPTION B

	Gross Levy	- HACA =	Levy -	Fiscal Disparities	Net Levy (Local Levy)	Tax Capacity	Net Levy/T.C. = Tax Rate
1994	\$467,402	\$81,668	\$385,734	\$110,174	\$275,560	\$1,110,259	0.24819
1995	\$469,747	\$84,013	\$385,734	\$97,645	\$288,089	\$1,099,160	0.26210
1996	\$480,148	\$80,540	\$399,608	\$111,519	\$288,089	\$1,107,105	0.26022
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1998	\$550,961	\$81,305	\$469,656	\$126,788	\$342,868	\$1,196,529	0.28655
1999	\$550,920	\$81,264	\$469,656	\$138,964	\$330,692	\$1,139,484	0.29021
2000	\$576,618	\$88,212	\$488,406	\$136,506	\$351,900	\$1,212,463	0.29024
2001	\$576,640	\$88,234	\$488,406	\$137,608	\$350,798	\$1,288,844	0.27218
2002	\$462,076	\$0	\$462,076	\$111,278	\$350,798	\$1,000,000	0.35080

\$70,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$70,000 Home
1996	\$70,000	1%	0.2602	\$182.15
1997	\$70,000	1%	0.2576	\$180.32
1998	\$70,000	1%	0.2866	\$200.59
1999	\$70,000	1%	0.2902	\$203.15
2000	\$70,000	1%	0.2902	\$203.16
2001	\$70,000	1%	0.2722	\$190.53
2002	\$70,000	1%	0.3508	\$245.56
DIFFERENCE				\$55.03

\$105,000 Home	Value	x Tax %	x Tax Rate	= Tax on Median Lauderdale Home
1999	\$75,000	1%	0.2902	\$217.66
	\$30,000	1.70%	0.2902	\$148.01
			Total Tax	\$365.67
2000	\$76,000	1%	0.2902	\$220.58
	\$29,000	1.65%	0.2902	\$138.88
			Total Tax	\$359.46
2001	\$76,000	1%	0.2722	\$206.86
	\$29,000	1.65%	0.2722	\$130.24
			Total Tax	\$337.10
2002	\$76,000	1%	0.3508	\$266.61
	\$29,000	1.00%	0.3508	\$101.73
			Total Tax	\$368.34
DIFFERENCE				\$31.24

\$150,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$150,000 Home
1999	\$75,000	1%	0.2902	\$217.66
	\$75,000	1.70%	0.2902	\$370.02
			Total Tax	\$587.68
2000	\$76,000	1%	0.2902	\$220.58
	\$74,000	1.65%	0.2902	\$354.38
			Total Tax	\$574.96
2001	\$76,000	1%	0.2722	\$206.86
	\$74,000	1.65%	0.2722	\$332.33
			Total Tax	\$539.19
2002	\$76,000	1%	0.3508	\$266.61
	\$74,000	1.00%	0.3508	\$259.59
			Total Tax	\$526.20
DIFFERENCE				(\$12.99)

RESOLUTION NO. 091101C

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

RESOLUTION LEVYING TAXES FOR 2001 PAYABLE IN 2002

BE IT HEREBY RESOLVED by the City of Lauderdale, Ramsey County, State of Minnesota as follows:

The following tax levies are hereby made against all taxable property in the City of Lauderdale for the tax levy 2001, payable 2002:

Total proposed levy for 2001 payable in 2002: **\$383,458**

This includes fiscal disparities amount of \$111,278.

BE IT FURTHER RESOLVED , that there will not be a certified debt levy for the General Obligation Bonds Series 2000A.

BE IT FURTHER RESOLVED that the City Administrator is authorized and directed at this time to certify this Resolution to the County Auditor of Ramsey County, Minnesota.

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

I, Richard Getschow, being duly qualified and City Administrator for the City of Lauderdale, Ramsey County, Minnesota, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Lauderdale on September 11, 2001 as the same appears in the minutes of said meeting on file and of record in City Offices.

Dated this 11th day of September, 2001.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

2002 LEVY AND IMPACT ON LAUDERDALE HOMES

OPTION C

	Gross Levy	- HACA =	Levy -	Fiscal Disparities	Net Levy (Local Levy)	Tax Capacity	Net Levy/T.C. = Tax Rate
1994	\$467,402	\$81,668	\$385,734	\$110,174	\$275,560	\$1,110,259	0.24819
1995	\$469,747	\$84,013	\$385,734	\$97,645	\$288,089	\$1,099,160	0.26210
1996	\$480,148	\$80,540	\$399,608	\$111,519	\$288,089	\$1,107,105	0.26022
1997	\$533,775	\$81,305	\$452,470	\$120,053	\$332,417	\$1,290,437	0.25760
1998	\$550,961	\$81,305	\$469,656	\$126,788	\$342,868	\$1,196,529	0.28655
1999	\$550,920	\$81,264	\$469,656	\$138,964	\$330,692	\$1,139,484	0.29021
2000	\$576,618	\$88,212	\$488,406	\$136,506	\$351,900	\$1,212,463	0.29024
2001	\$576,640	\$88,234	\$488,406	\$137,608	\$350,798	\$1,288,844	0.27218
2002	\$383,458	\$0	\$383,458	\$111,278	\$272,180	\$1,000,000	0.27218

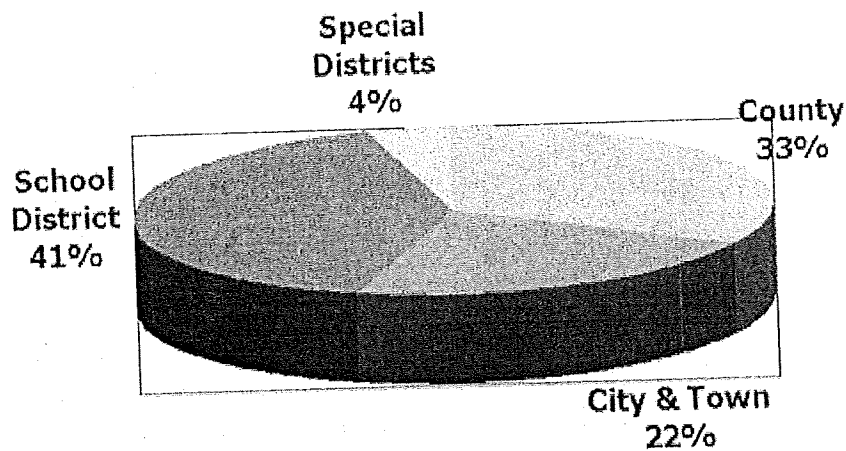
\$70,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$70,000 Home
1996	\$70,000	1%	0.2602	\$182.15
1997	\$70,000	1%	0.2576	\$180.32
1998	\$70,000	1%	0.2866	\$200.59
1999	\$70,000	1%	0.2902	\$203.15
2000	\$70,000	1%	0.2902	\$203.16
2001	\$70,000	1%	0.2722	\$190.53
2002	\$70,000	1%	0.2722	\$190.53
DIFFERENCE				(\$0.00)

\$105,000 Home	Value	x Tax %	x Tax Rate	= Tax on Median Lauderdale Home
1999	\$75,000	1%	0.2902	\$217.66
	\$30,000	1.70%	0.2902	\$148.01
	Total Tax			\$365.67
2000	\$76,000	1%	0.2902	\$220.58
	\$29,000	1.65%	0.2902	\$138.88
	Total Tax			\$359.46
2001	\$76,000	1%	0.2722	\$206.86
	\$29,000	1.65%	0.2722	\$130.24
	Total Tax			\$337.10
2002	\$76,000	1%	0.2722	\$206.86
	\$29,000	1.00%	0.2722	\$78.93
	Total Tax			\$285.79
DIFFERENCE				(\$51.31)

\$150,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$150,000 Home
1999	\$75,000	1%	0.2902	\$217.66
	\$75,000	1.70%	0.2902	\$370.02
	Total Tax			\$587.68
2000	\$76,000	1%	0.2902	\$220.58
	\$74,000	1.65%	0.2902	\$354.38
	Total Tax			\$574.96
2001	\$76,000	1%	0.2722	\$206.86
	\$74,000	1.65%	0.2722	\$332.33
	Total Tax			\$539.19
2002	\$76,000	1%	0.2722	\$206.86
	\$74,000	1.00%	0.2722	\$201.41
	Total Tax			\$408.27
DIFFERENCE				(\$130.92)

Total Property Tax Levy – Pay 2001

Total Levy = \$4,720 million

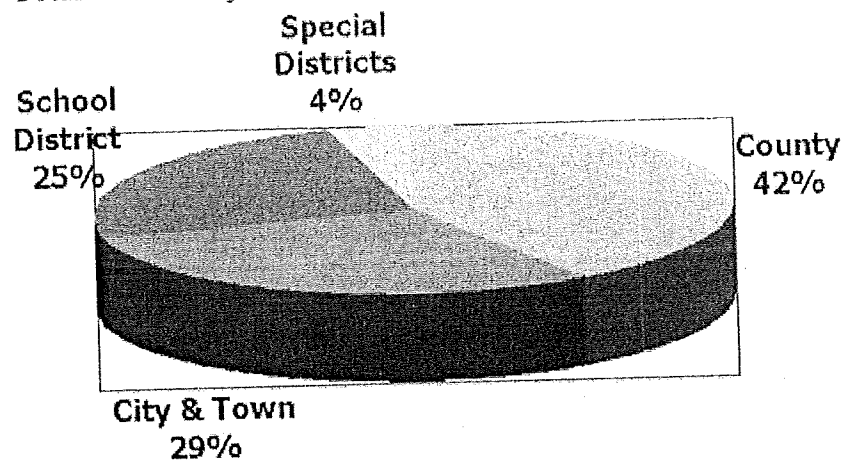


Does not include TIF levies

Source: House Research Department Run W13 7/25/2001

Total Property Tax Levy – Pay 2002

Total Local Levy = \$3,611 million



State Property Tax Levy = \$592 million

Total Property Tax Levy = \$4,203 million

Does not include TIF levies

Source: House Research Department Run W13 7/25/2001

Tax Bill Changes at a glance

- ◆ Why the difference between 2001 and 2002?
 - Takeover of the school general education levy.
 - New state property tax.
 - State Aid changes.
 - Levy Limits.
 - Property class rate changes.

General Education Levy Takeover

- ◆ State-mandated "general education levy" has been eliminated, and replaced with money from the state's general fund.
- ◆ Statewide, this reduces the amount of school revenue to be collected from property taxes by a net of approximately \$900 million.
- ◆ State also assumes more of the cost of existing and future voter approved school operating referendum levies.

General Education Levy Takeover

- ◆ School districts will continue to levy a property tax for several specific costs including voter-approved operating referendums and capital bonding.
- ◆ Net result: amount levied by school districts will be much smaller.

New State Property Tax

- ♦ New state property tax beginning in 2002 will only apply to commercial/industrial, non-homesteaded resort and cabin properties.
- ♦ Will raise \$592 million in 2002, which will be deposited in the state's general fund.
- ♦ Automatically inflated each year thereafter, with the growth deposited into a new education reserve account.
- ♦ The state has not directly levied a property tax since 1968.

City Revenue Sources

- ◆ Reforms have:
 - decreased state aids to cities
 - ◆ eliminated homestead and agricultural credit aid (HACA)
 - ◆ changed local government aid (LGA)
 - made cities more reliant on the property tax

State Aid Changes - HACA

- ◆ Homestead and Agricultural Credit Aid (HACA) was one of the two major state aids to local governments.
- ◆ Beginning in 2002, cities, townships, school districts and special taxing entities will no longer receive any HACA.
- ◆ In total, HACA accounted for \$200 million in state aid to cities.

State Aid Changes - LGA

- ◆ The major remaining form of state aid to cities is Local Government Aid (LGA).
- ◆ The LGA appropriation was increased by \$140 million to a total of \$563.5 million.
- ◆ An additional \$14 million was set aside for future reform of LGA
- ◆ Increase was not evenly distributed across all cities.

State Aid Changes - LGA

- ◆ Some cities will receive an increase in their LGA that will more than offset their loss of HACA.
- ◆ Some cities will receive an increase in their LGA, but not enough to offset their loss of HACA.
- ◆ Some cities will lose all of their HACA *and* receive less LGA than they did last year.

The Net Result ...

- ♦ Most city levies will increase to make up for lost state aid.
- ♦ The increase in levy does not necessarily translate into an increase in spending.
- ♦ Increases in city levies to replace lost state aids will not negate the decreases in school levies.
- ♦ Levy limits have been re-imposed.

City Tax Rates

- ◆ City tax *rates* are also expected to rise
- ◆ Why?
 - Levy increases to replace lost state aids
 - The state has redefined the tax base through "class-rate compression," thus making the tax base smaller than it used to be.
 - ◆ As the tax base is reduced, city levies will produce a higher rate in order to generate the same amount of tax revenue.

Class-Rate Compression

- ◆ The "class-rate" applied to each parcel of property:
 - is defined by the legislature;
 - varies by property type
 - ◆ (residential, commercial, agricultural, etc.)
 - determines the "tax capacity" of each property, or in other words, the percentage of each property's value that will be exposed to taxation.

Class-Rate Compression

- ◆ The state has been gradually compressing class-rates for several years, but this year's changes are the biggest yet.
- ◆ Beginning in 2002:
 - All property types will have reduced class-rates;
 - The difference in class-rates between different types of property will be less.
 - Class rates will vary from 0.55% -- 2.0% instead of 0.35% - 3.4%.

Policy Goals of Class Rate Compression

- ◆ Make Minnesota's commercial tax burdens more competitive.
- ◆ House is a house—make rental property taxes more comparable to homestead property taxes.
- ◆ Reduce tax differences between classes of property.

Homestead Class Rates

	2001	2002
up to \$76,000	1.0%	1.0%
\$76K to \$500K	1.65%	1.0%
over \$500K	1.65%	1.25%

Policy Goals of Class Rate Compression

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- ◆ Reduce tax differences between classes of property.

Apartment Class Rates

Class	Pay 2001	Pay 2002	Pay 2003	Pay 2004
Single Unit to 76K	1.2%	1.0%	1.0%	1.0%
Single Unit \$76K-\$500K	1.65%	1.0%	1.0%	1.0%
Single Unit > 500K	1.65%	1.25%	1.25%	1.25%
2-3 Units	1.65%	1.5%	1.25%	1.25%
4+ Units	2.4%	1.8%	1.5%	1.25%

Note: Apartments constructed after June 30, 2001 will go to 1.25% right away.

C/I Class Rates

- Commercial/industrial (C/I) class rates will be significantly reduced, *but* all C/I properties will now be subject to the new state property tax.

Class	2001	2002	State Class-Rate
up to \$150,000	2.4%	1.5%	1.5%
over \$150,000	3.4%	2.0%	2.0%
Electric Generation Machinery	3.4%	2.0%	N/A

Truth-in-Taxation Changes

- ◆ Local Truth-in-Taxation hearings will not be held this fall. They have been suspended for one year to give counties more time to deal with the complex administrative changes
- ◆ Parcel-specific notices will be mailed in December of this year, rather than November.

Tax Increment Financing (TIF)

- ◆ Why the concern?
 - Class rate compression;
 - State takeover of the transit levy;
 - State takeover of the general education levy.
- ◆ All of the above mean TIF districts will generate less money than previously projected. Cities were counting on that money to cover development-related expenses.

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