



STAFF REPORT

DATE: June 19, 2018

CONSENT

ITEM # 11

AGENDA ITEM: Eagle Point Blvd Street Improvements – Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessments, and Calling for Hearing on Proposed Assessment

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Sue Iverson, Finance Director
Sarah Sonsalla, City Attorney
Ryan Stempski, Project Engineer

ISSUE BEFORE COUNCIL: Should the City Council call a final assessment hearing for the Eagle Point Boulevard Street Improvements project to be held on July 17, 2018?

BACKGROUND: The Eagle Point Boulevard Street Improvements project had a final completion date of February 7, 2017. All project costs have been accounted for and are summarized below. This project is to be 100% assessed by the benefitting properties due to the area being within a commercial district.

PROPOSAL DETAILS/ANALYSIS: Pursuant to Minnesota Statutes, Section 429 the Council must declare the amount to be assessed against the benefitting properties and Call the Hearing on the Proposed Assessment for these improvements. The Assessment Hearing is proposed for July 17, 2018. The Final Assessment Roll must be certified to the County Auditor by November 30, 2018.

The estimated total project cost, at completion, is \$1,344,000; down from the feasibility report cost of \$1,351,000. The final assessments have been calculated based on the estimated final project costs. The attached final assessment roll details the proposed assessment for each parcel.

Assessments are being levied over 10 years at the rate of 4.30 percent for this project.

FISCAL IMPACT: The total project cost is \$1,344,000 with \$1,182,900 paid through special assessments, \$99,000 paid directly by Inwood 10, LLC for sanitary sewer improvements, and the remaining \$62,100 paid through the Water Enterprise Fund.

RECOMMENDATION: Staff is recommending that the City Council approve, *as part of the Consent Agenda*, a resolution declaring the total street improvement costs to be assessed to be \$1,182,900, ordering the preparation of the proposed assessments, and Calling for the Hearing on the proposed Assessments for July 17, 2018 at or around 7:00 pm. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Resolution No. 2018-069; A Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for the Hearing on the Proposed Assessment for the Eagle Point Boulevard Street Improvements.”

ATTACHMENTS:

1. Resolution Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for Hearing on Proposed Assessment.
2. Notice of Hearing on Proposed Assessment.
3. Final Assessment Roll.

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

RESOLUTION NO. 2018-069

**A RESOLUTION DECLARING COST TO BE ASSESSED, ORDERING
PREPARATION OF PROPOSED ASSESSMENTS, AND CALLING
HEARING ON PROPOSED ASSESSMENT FOR THE
EAGLE POINT BLVD – STREET IMPROVEMENTS**

WHEREAS, estimated total project costs have been calculated for the Eagle Point Boulevard Street Improvements; and

WHEREAS, the total cost of the improvements will be \$1,344,000.

WHEREAS, the City Clerk and City Engineer have prepared the proposed assessment roll and will maintain said assessment roll on file in the City offices for public inspection.

NOW, THEREFORE, BE IT RESOLVED,

1. The portion of the cost of such street improvements to be assessed against benefited properties is hereby declared to be \$1,182,900, and the portion of the cost to be paid by the City is \$161,100.
2. The City Clerk, with the assistance of the City Engineer, has calculated the proper amount to be specially assessed for such improvements against every assessable lot, piece or parcel of land to be benefited by the improvements, and the Clerk has filed a copy of such proposed assessment in the City offices for public inspection.
3. Assessments shall be payable in equal annual installments extending over 10 years for street improvements, the first of the installments to be payable on or before the first Monday in January, 2019, and shall bear interest at the rate of 4.30 percent per annum from the date of the adoption of the assessment resolution.
4. A public hearing shall be held on the 17th day of July, 2018, in the Council Chambers of the City Hall at or approximately after 7:00 P.M. to pass upon such proposed assessment. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
5. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
6. The owner of any property so assessed 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 Clerk. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. A property owner may at any time thereafter, pay to the City Clerk the entire amount of the assessment

remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE NINETEENTH DAY OF JUNE, 2018.

CITY OF LAKE ELMO

By: _____

Mike Pearson

Mayor

(Seal)

ATTEST:

Julie Johnson

City Clerk

**CITY OF LAKE ELMO
NOTICE OF HEARING ON PROPOSED ASSESSMENT
EAGLE POINT BLVD – STREET IMPROVEMENTS**

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, July 17, 2018, to consider, and possibly adopt, the proposed assessment against benefitting property for the Eagle Point Boulevard Street Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following describes the area proposed to be assessed:

- Street improvements completed along Eagle Point Boulevard from Inwood Avenue to Hudson Boulevard and consisted of the reconstruction of the existing street with a sand subbase, draintile, new concrete curb and gutter and extension of the existing storm sewer system.

You may at any time prior to certification of the assessment to the county auditor pay the entire assessment on such property to the City Clerk with interest accrued to the date of payment. No interest shall be charged if the entire assessment is paid to the City Clerk within 30 days from the adoption of this assessment. You may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 4.30 percent per year.

Once assessments are certified to the County, the assessments are payable in equal annual installments extending over a period of 10 years for street improvements, the first of the installments to be payable on or before the first Monday in January 2019, and will bear interest at the rate of 4.30 percent per annum from the date of adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2018. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed street improvement assessments is \$1,182,900. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk within 30 days

after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.

The City Council may, in its discretion, defer the payment of this assessment for any homestead property owned by a person for whom it would be a hardship to make payment if the owner is 65 years of age or older and/or the owner is a person retired by virtue of a permanent and total disability or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in section 190.05 subdivision 5b or 5c, as stated in the person's military orders. The owner must request a deferment of the assessment at or before the public hearing at which the assessment is adopted and make application on forms prescribed by the City Clerk within 30 days after the adoption.

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

DATED: June 19, 2018

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on June 27, 2018)

NO.	NAME		ADDRESS				MAILING ADDRESS					PID	AREA (AC)	AMOUNT	
1	UNITED LAND LLC						3600	AMERICAN	BLVD W #750	BLOOMINGTON	MN	55431	3302921440009	11.68	\$ 168,500
2	DAKOTA UPREIT LP	8530	EAGLE POINT	BLVD	LAKE ELMO	55042	3003	32ND	AVE S	FARGO	ND	58203	3302921420015	5.06	\$ 73,000
3	BREMER FINANCIAL SERVICES INC	8555	EAGLE POINT	BLVD	LAKE ELMO	55042	8555	EAGLE POINT	BLVD	LAKE ELMO	MN	55042	3302921410054	25.69	\$ 370,500
4	BREMER FINANCIAL SERVICES INC						8555	EAGLE POINT	BLVD	LAKE ELMO	MN	55042	3302921420007	1.47	\$ 21,200
5	NORTHEASTERN METROPOLITAN ISD #916	8568	EAGLE POINT	BLVD N	LAKE ELMO	55042	2540	COUNTY	ROAD F E	WHITE BEAR LAKE	MN	55110	3302921420019	19.49	\$ 281,100
6	DANATE PROP INV I LLC	8519	EAGLE POINT	BLVD	LAKE ELMO	55042	1590	MEADOW VIEW	TR S	HASTINGS	MN	55033	3302921420008	3.82	\$ 55,100
7	EAGLE POINT MEDICAL BUILDING LLC	8515	EAGLE POINT	BLVD	LAKE ELMO	55042	222	S 9TH	ST #3255	MINNEAPOLIS	MN	55402	3302921420014	3.77	\$ 54,400
8	DAKOTA UPREIT LP	8550	HUDSON	BLVD N	LAKE ELMO	55042	3003	32ND	AVE S	FARGO	ND	58203	3302921420012	3.69	\$ 53,300
9	RPSLEGACYDESOTO LLC						2935	COUNTY	DR	LITTLE CANADA	MN	55117	3302921420017	0.45	\$ 6,500
10	RPSLEGACYDESOTO LLC						2935	COUNTY	DR	LITTLE CANADA	MN	55117	3302921420018	0.43	\$ 6,300
11	DOMINUS PROPERTIES LLC	8687	EAGLE POINT	BLVD	LAKE ELMO	55042	2500	EAGLE VALLEY	DR	WOODBURY	MN	55129	3302921440012	0.27	\$ 4,000
12	C&G PROPERTIES LLC	8685	EAGLE POINT	BLVD N	LAKE ELMO	55042	16220	53RD	AVE N	PLYMOUTH	MN	55446	3302921440013	0.27	\$ 4,000
13	LAW SPACE LLC	8681	EAGLE POINT	BLVD N	LAKE ELMO	55042	8681	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440014	0.27	\$ 4,000
14	LAW SPACE LLC	8679	EAGLE POINT	BLVD N	LAKE ELMO	55042	8681	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440015	0.23	\$ 3,300
15	ZYWIEC JOSEPH J & DEBORAH A	8677	EAGLE POINT	BLVD N	LAKE ELMO	55042	7980	113TH	ST S	COTTAGE GROVE	MN	55016	3302921440016	0.27	\$ 4,000
16	ZYWIEC JOSEPH J	8673	EAGLE POINT	BLVD N	LAKE ELMO	55042	9471	JEFFERY	AVE S	COTTAGE GROVE	MN	55016	3302921440017	0.32	\$ 4,600
17	BACHMANN CLINIC PROPERTY	8671	EAGLE POINT	BLVD N	LAKE ELMO	55042	8669	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440018	0.23	\$ 3,300
18	BACHMANN CLINIC PROPERTY	8669	EAGLE POINT	BLVD N	LAKE ELMO	55042	8669	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440019	0.32	\$ 4,600
19	JTZ LLC & TMZ LLC	8665	EAGLE POINT	BLVD N	LAKE ELMO	55042	8665	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440020	0.27	\$ 4,000
20	P & R PROPERTIES LLC	8663	EAGLE POINT	BLVD N	LAKE ELMO	55042	8661	EAGLE POINT	BLVD	LAKE ELMO	MN	55042	3302921440021	0.23	\$ 3,300
21	P & R PROPERTIES LLC	8661	EAGLE POINT	BLVD N	LAKE ELMO	55043	8661	EAGLE POINT	BLVD	LAKE ELMO	MN	55042	3302921440022	0.27	\$ 4,000
22	MILES LLC	8657	EAGLE POINT	BLVD N	LAKE ELMO	55042	8657	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440023	0.27	\$ 4,000
23	EJM PROPERTIES LLC	8655	EAGLE POINT	BLVD N	LAKE ELMO	55042	8653	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440024	0.23	\$ 3,300
24	EJM PROPERTIES LLC	8653	EAGLE POINT	BLVD N	LAKE ELMO	55042	8653	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440025	0.27	\$ 4,000
25	JTAAA PROPERTIES LLC	8649	EAGLE POINT	BLVD N	LAKE ELMO	55042	8649	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440026	0.27	\$ 4,000
26	JTAAA PROPERTIES LLC	8647	EAGLE POINT	BLVD N	LAKE ELMO	55042	8649	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440027	0.23	\$ 3,300
27	GIGUERE ROBIN M	8645	EAGLE POINT	BLVD N	LAKE ELMO	55042	1101	PARIS	AVE N	WEST LAKELAND	MN	55082	3302921440028	0.27	\$ 4,000
28	JTZ LLC & TMZ LLC	8615	EAGLE POINT	BLVD N	LAKE ELMO	55042	8665	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440029	0.27	\$ 4,000
29	LEE EDWARD CASEY TRS	8617	EAGLE POINT	BLVD N	LAKE ELMO	55042	1251	SILVERWOOD	RD	WOODBURY	MN	55125	3302921440030	0.27	\$ 4,000
30	D GETSCH LLC	8621	EAGLE POINT	BLVD N	LAKE ELMO	55042	11711	ASTER	WAY	WOODBURY	MN	55129	3302921440031	0.27	\$ 4,000
31	LEGACY ASSET PROPERTIES	8623	EAGLE POINT	BLVD N	LAKE ELMO	55042	8623	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440032	0.23	\$ 3,300
32	SCHNY ZONE LLC	8625	EAGLE POINT	BLVD N	LAKE ELMO	55042	8625	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440033	0.27	\$ 4,000
33	LUCIA INVESTMENTS LLC	8631	EAGLE POINT	BLVD N	LAKE ELMO	55042	8631	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440034	0.27	\$ 4,000
34	LUCIA INVESTMENTS LLC	8633	EAGLE POINT	BLVD N	LAKE ELMO	55042	8631	EAGLE POINT	BLVD N	LAKE ELMO	MN	55042	3302921440035	0.27	\$ 4,000
TOTAL													81.86	\$ 1,182,900	