



STAFF REPORT

DATE: January 15, 2019

REGULAR

AGENDA ITEM: Sunfish Ponds Sanitary Sewer Petition – Accept Petition and Defer Preparation of a Feasibility Report

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Krintina Handt, City Administrator
Rob Weldon, Public Works Director
Chad Isakson, Assistant City Engineer

ISSUE BEFORE COUNCIL: Should the City Council accept a Petition for municipal sanitary sewer service for the Sunfish Ponds Subdivision and defer the preparation of the Feasibility Report to a future date when it can be better determined when sewer will be made available to the northerly plat boundary of the Legacy at North Star subdivision?

BACKGROUND AND PROPOSAL DETAILS/ANALYSIS: A petition requesting municipal sanitary sewer service was received from the Sunfish Ponds Subdivision in November 2018. The petition was signed by 7 of the 16 properties abutting the requested improvements as reviewed and verified by the City Clerk. The Sunfish Ponds Subdivision is located immediately adjacent to the Village Area MUSA, just north of the Legacy at North Star subdivision. In order to provide sanitary sewer service to the Sunfish Ponds neighborhood a Feasibility Report would need to be completed to review the feasibility and capacity of connecting to the Village area sewer system together with the estimated project costs and assessments. If the improvements are found to be feasible, a Comprehensive Plan Amendment would be required to bring the subdivision within the Village Area MUSA before constructing the project.

The approved Preliminary Plans for the Legacy at North Star subdivision require sanitary sewer to be extended to the northly plat limits in the vicinity of the Sunfish Ponds neighborhood. Legacy at North Star has recently platted the 1st Addition which is currently under construction. Sewer service to the northerly plat limits will be made with future phases of the subdivision with the timing and phasing subject to the developer's discretion.

RECOMMENDATION: Staff is recommending that the City Council approve a resolution declaring adequacy of the petition for municipal sanitary sewer service for the Sunfish Ponds Subdivision and deferring the preparation of the Feasibility Report to be authorized at a future date when it can be better determined that sewer will be made available to the northerly plat boundary of Legacy at North Star subdivision. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2019-010, Declaring the Adequacy of the Sunfish Ponds Petition for Municipal Sanitary Sewer Service and Deferring the Preparation of a Feasibility Report.”

ATTACHMENTS:

1. Resolution Declaring Adequacy of Petition and Deferring the Feasibility Report.
2. Sunfish Ponds Subdivision – Petition for Sanitary Sewer Service.
3. Sunfish Ponds Subdivision – Location Map.

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

RESOLUTION NO. 2019-010

**A RESOLUTION DECLARING ADEQUACY OF THE SUNFISH PONDS PETITION
FOR MUNICIPAL SANITARY SEWER SERVICE AND DEFERRING THE
PREPARATION OF THE FEASIBILITY REPORT**

WHEREAS, a petition was received from the owners of real property abutting Kirkwood Lane North in the Sunfish Ponds Subdivision, requesting municipal sanitary sewer service; and

WHEREAS, connection to municipal sanitary sewer may be feasible once future phases of the Legacy at North Star development have been constructed with sanitary sewer extended to the northly Plat boundary, and

WHEREAS, it is proposed to assess all or a portion of the cost of these improvements pursuant to the City's Special Assessment Policy and Minnesota Statutes, Chapter 429.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

1. The Petition requesting the improvements is hereby declared to be signed by the required percentage of owners of property affected thereby. This declaration is made in conformity to Minnesota Statutes 429.035.
2. The Petition for the proposed improvements is hereby referred to the City Engineer and FOCUS Engineering, Inc., to complete a feasibility report in accordance with Minnesota Statutes, Chapter 429 for the proposed improvements, and to report to the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.
3. The preparation of the Feasibility Report shall be deferred until such time that the timing of the sanitary sewer to the northerly plat boundaries of the Legacy at North Star subdivision can be better determined, and the Council authorizes the preparation of the Feasibility Report.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FIFTHTEENTH DAY OF
JANUARY 2019.**

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Julie Johnson
City Clerk

CITY OF Lake Elmo

PETITION FOR LOCAL IMPROVEMENT

DATE: October 2018

TO THE CITY COUNCIL OF LAKE ELMO, MINNESOTA:

16 Homes

7 Verified Signatures (City Clerk)

We the undersigned, being the owners of real property in the Sunfish Ponds neighborhood in the City of Lake Elmo and representing at least 35% of the affected properties abutting or receiving benefit from the requested improvements, hereby petition the City to extend to our properties municipal sewer service pursuant to Minnesota Statutes, Chapter 429, and that the City assess the cost of the improvement against our property described below and hereby agree to pay the entire cost as apportioned by the City.

We understand that if the City Council orders the improvements, we may be assessed for these improvements in accordance with the City's Special Assessment Policy and State Statutes, we understand that the City Council has full authority to authorize improvements to be made, and assessments to be levied against my property, and that any decision to order the improvements is NOT subject to vote by the abutting properties.

(To allow for proper City notifications, each signature must be accompanied by a legibly printed name and address)

SIGNATURE OF PROPERTY OWNER(S)	NAME (printed)	ADDRESS (printed)
1. Phillip Bidon	Jane Bidon	4146 Kirkwood Lane N Lake Elmo, MN 55042
2. Heidi Howe	Heidi Howe	4092 Kirkwood Lane N. Lake Elmo, MN 55042
3. Huy Phan	HUY PHAN LYNN NGUYEN	4190 Kirkwood Ln LAKE ELMO MN 55042
4. Ruth Lundgren	Ruth Lundgren	4051 Kirkwood Ln Lake Elmo, MN
5. Michael Boston	Michael Boston	4187 Kirkwood Ln. N. Lake Elmo, MN 55042
6. Christina Edstrom	Christina Edstrom	4155 Kirkwood Ln. Lake Elmo
7. Ali Adams	Ali Adams	4227 Kirkwood Lane Lake Elmo
8.		
9.		
10.		
11.		
12.		

CITY OF LAKE ELMO VILLAGE AREA MUSA

SUNFISH PONDS

MUSA

Sunfish

ATER BLVD N

30th St N

Legion
Pond

MUSA

Legend

