
LEVANDER, GILLEN & MILLER, P.A.

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
◊STEPHEN H. FOCHLER
◊JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
ANN C. O'REILLY
◊DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
BRIDGET McCAULEY NASON
ELIZABETH HALL MURTHY
DAVID B. GATES
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
• ROGER C. MILLER
RETIRED

*ALSO ADMITTED IN WISCONSIN
◊ALSO ADMITTED IN NORTH DAKOTA
◊ALSO ADMITTED IN MASSACHUSETTS
◊ALSO ADMITTED IN OKLAHOMA

MEMO

TO: Sunfish Lake Mayor, Councilmembers and Consultants
FROM: Timothy J. Kuntz, City Attorney
DATE: July 26, 2017
RE: 2017-01 Street Improvement Project (Roanoke Road Overlay and Salem Church Road Reconstruction) – Resolution Declaring Costs to be Assessed & Resolution Calling for Assessment Hearing; August 1, 2017 Council Meeting; Agenda Item 8(a)

Section 1. Background. On Tuesday, September 5, 2017, the City will hold a public hearing to consider, pass upon, adopt and levy the proposed special assessments for the 2017-01 Street Improvement Project (the Project) improvements, as described in the attached Notice of Hearing on Proposed Special Assessments. Attached as background information is a chart containing the actual project costs for bonding and for the assessment hearing.

The project cost for Project 2017-01 is \$415,000. The total amount of the proposed assessments is about 30% thereof, namely, the sum of \$123,000. The Project is proposed to be specially assessed against buildable tax parcels either abutting, or served by said improvements. The areas and parcels, as specifically described herein, are subject to said special assessments. The buildable tax parcels abutting or served by the improvements are proposed to be assessed \$5,000 per buildable tax parcel for those tax parcels abutting or served by Salem Church Road and \$6,000 per buildable tax parcel for those tax parcels abutting or served by Roanoke Road.

Section 2. Council Action. At the August 1, 2017, Council meeting, the Council will be asked to consider the following attached Resolutions:

1. Resolution Declaring Costs To Be Assessed And Ordering Preparation Of Proposed Assessments For Sunfish Lake Street Improvement Project 2017-01; and
2. Resolution Calling For An Assessment Hearing With Respect To Sunfish Lake Street Improvement Project 2017-01.

Attachments

CITY OF SUNFISH LAKE
PROJECT 2017-01
PROJECT COSTS FOR BONDING AND ASSESSMENT HEARING

1.	Low Bid	\$299,952.42
2.	Contingency (10%) \$29,995 say \$30,000	\$30,000
3.	Underwriter's Discount	\$5,370
4.	Bond Counsel, Fiscal Advisor, County Auditor and Paying Agent (Costs of Issuance)	\$11,941
5.	Capitalized Interest	\$7,084
6.	Engineering	\$46,000
7.	Legal	\$12,000
8.	Clerk	\$1,000
9.	Treasurer	\$1,000
10.	Publication & Notices	<u>\$500</u>
TOTAL:		\$414,847.42 say \$415,000

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 17-_____

**A RESOLUTION DECLARING COSTS TO BE ASSESSED AND
ORDERING PREPARATION OF PROPOSED ASSESSMENTS
FOR SUNFISH LAKE STREET IMPROVEMENT PROJECT 2017-01**

WHEREAS, pursuant to Minnesota Statute § 429.061 the costs and expense incurred and to be incurred in making Street Improvement Project 2017-01 have been calculated and so determined.

WHEREAS, the cost and expense incurred and to be incurred in making improvement Project 2017-01 is the amount of \$415,000.

WHEREAS, Minnesota Statute § 429.061 provides that the City Council shall determine by resolution the amount of the total expense a municipality will pay other than amount, if any, which it will pay as a property owner and the amount to be specially assessed.

**NOW, THEREOFRE, BE IT RESOLVED BY THE CITY COUNCIL OF
SUNFISH LAKE:**

- 1.) The amount to be specially assessed for Project 2017-01 shall be approximately 30% of the total amount, namely the sum of \$123,000.
- 2.) The other 70% of the total amount of the Project costs, namely the sum of \$292,000 shall be financed by way of general tax levy and available City reserves as determined by the Council.
- 3.) The City Clerk, with the assistance of the City Engineer and City Attorney, shall forthwith calculate the proper amount to be specially assessed for such improvements against every assessable lot or parcel of land as provided by law. The Clerk shall thereupon file a copy of such proposed assessments with the City and the proposed assessments shall be available for public inspection.
- 4.) The City Clerk shall, upon completion of the proposed assessments, notify the City Council thereof.

Passed by the City Council of Sunfish Lake this 1st day of August, 2017.

Richard Williams, Mayor

Attest:

Catherine Iago, City Clerk

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 17-_____

**RESOLUTION CALLING FOR AN ASSESSMENT HEARING
WITH RESPECT TO SUNFISH LAKE
2017-01 STREET IMPROVEMENT PROJECT
(ROANOKE ROAD OVERLAY AND SALEM CHURCH ROAD RECONSTRUCTION)**

WHEREAS, the City Council directed the City Clerk to prepare a proposed assessment roll for the 2017-01 Street Improvement Project (Roanoke Road Overlay and Salem Church Road Reconstruction).

WHEREAS, the Clerk has notified the Council that such proposed assessment roll has been completed and is on file for public inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SUNFISH LAKE:

1. The attached Notice of Assessment Hearing is hereby approved and ratified.
2. A hearing shall be held on the 5th day of September, 2017, at St. Anne's Episcopal Church located at 2035 Charlton Road (Highway 110 and Charlton Road), Sunfish Lake, Minnesota at 7:00 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
3. The action of the City Clerk to cause the attached Notice of Assessment Hearing to be published at least once in the official newspaper at least two weeks prior to the hearing and to mail the attached Notice to the owners of each parcel described in the assessment roll is hereby approved and ratified. The mailing will be not less than two weeks prior to the hearing.

Passed by the City Council of Sunfish Lake this 1st day of August, 2017.

Richard Williams, Mayor

Attest:

Catherine Iago, City Clerk

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

**NOTICE OF HEARING ON PROPOSED SPECIAL ASSESSMENTS
FOR THE 2017-01 STREET IMPROVEMENT PROJECT
(ROANOKE ROAD OVERLAY AND SALEM CHURCH ROAD RECONSTRUCTION)**

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the City Council of Sunfish Lake, Minnesota, will hold a public hearing at St. Anne's Episcopal Church located at 2035 Charlton Road (Highway 110 and Charlton Road), Sunfish Lake, Minnesota, at 7:00 p.m. on **Tuesday, September 5, 2017**, to consider, pass upon, adopt and levy the proposed special assessments for the project improvements as hereafter described. At the hearing the City Council may adopt the proposed assessments.

2017-01 STREET IMPROVEMENT PROJECT
(ROANOKE ROAD OVERLAY AND SALEM CHURCH ROAD RECONSTRUCTION)

GENERAL NATURE OF IMPROVEMENTS:

The 2017-01 Street Improvement Project (the Project) involves a full depth mill or bituminous reclamation of the existing bituminous surface of Salem Church Road and placement of four inches of bituminous surfacing, shouldering, roadside swale grading, turf restoration, drainage and culvert improvements and appurtenances and driveway reconstruction. The Project also involves a two inch overlay placed on top of the existing pavement on Roanoke Road.

AREAS PROPOSED TO BE ASSESSED:

The areas proposed to be assessed for Project 2017-01 are the tax parcels listed below. The proposed assessments are listed below:

Project Parcel No.	Name and Address of Record Owner	Tax Parcel Identification Number	Proposed Assessment Amount
1 (house)	Brent J. Baskfield and Florence A. Baskfield, Trustees 90 Salem Church Road Sunfish Lake, MN 55118	38-88801-01-080	\$6,000
2 (land)	Brent J. Baskfield and Florence A. Baskfield, Trustees 90 Salem Church Road Sunfish Lake, MN 55118	38-88801-01-070	\$6,000

3	J. David Wight and Maria A. Wight, Trustees 5 Roanoke Road Sunfish Lake, MN 55118-4706	38-88801-01-060	\$6,000
4	Robert P. Bryant 7 Roanoke Road Sunfish Lake, MN 55118	38-88801-01-050	\$6,000
5	Robert W. Tuttle and Sue-Mi Tuttle 8 Roanoke Road Sunfish Lake, MN 55118	38-88801-01-040	\$6,000
6	J. Michael Gonzalez-Campoy and Rebecca C. Gonzalez-Campoy 6 Roanoke Road Sunfish Lake, MN 55118-4706	38-88801-01-030	\$6,000
7	Timothy A. Bott and Joy A. Bott 4 Roanoke Road Sunfish Lake, MN 55118-4706	38-88801-01-020	\$6,000
8	Guillermo Chang and Patricia Chang 2 Roanoke Road Sunfish Lake, MN 55118-4706	38-88801-01-010	\$6,000
9	Paul M. Tani and Barbara S. Tani 19 Salem Lane Sunfish Lake, MN 55118-4700	38-90500-00-080	\$5,000
10	Andrew M. LeFevour and Suzanne A. LeFevour 15 Salem Lane Sunfish Lake, MN 55118-4700	38-90500-00-070	\$5,000
11	Kurt L. Larson and Katherine A. Larson 11 Salem Lane Sunfish Lake, MN 55118-4700	38-90500-00-060	\$5,000
12	Bonnie H. Bennett Holub and John M. Holub 9 Salem Lane Sunfish Lake, MN 55118	38-90500-00-050	\$5,000
13	James M. Shaver and Susan K. Kimmel 7 Salem Lane Sunfish Lake, MN 55118	38-90500-00-040	\$5,000

14	Reino O. Ojala and Llisa J. Ojala 5 Salem Lane Sunfish Lake, MN 55118-4700	38-90500-00-030	\$5,000
15	Darren F. Strafelda and Stephanie C. Holman Strafelda 3 Salem Lane Sunfish Lake, MN 55118	38-90500-00-020	\$5,000
16	Edward B. Gill and Kari R. Gill 1 Salem Lane Sunfish Lake, MN 55118-4700	38-90500-00-010	\$5,000
17	Michael H. Streater and Kathleen Streater 2 Salem Lane Sunfish Lake, MN 55118-4700	38-90500-00-100	\$5,000
18	Timothy Dahl and Kimberly Dahl 4 Salem Lane Sunfish Lake, MN 55118-4700	38-90500-00-110	\$5,000
19	Patrick J. Plunkett and Anita Plunkett 10 Salem Lane Sunfish Lake, MN 55118-4700	38-90500-00-130	\$5,000
20	Stephen N. Seidlitz and Mary Seidlitz 21 Salem Lane Sunfish Lake, MN 55118-4700	38-90500-00-120	\$5,000
21	Jose Luis Escoto and Irma Escoto 55 Salem Church Road Sunfish Lake, MN 55118 Mailing Address: 1434 Robert Street S. West St. Paul, MN 55118-3140	38-03200-50-011	\$5,000
22	Mark A. Casagrande and Linda J. Casagrande 45 Salem Church Road Sunfish Lake, MN 55118	38-84325-01-030	\$5,000
23	DEVEE LLC c/o Don Mager, Chief Manager 2111 Delaware Avenue Sunfish Lake, MN 55118	38-03800-13-010	\$5,000
TOTAL			\$123,000

TOTAL AMOUNT OF PROPOSED ASSESSMENT:

The total project cost for Project 2017-01 is \$415,000. The total amount of the proposed assessments is about 30% thereof, namely, the sum of \$123,000. The Project is proposed to be specially assessed against buildable tax parcels either abutting, or served by said improvements. The areas and parcels, as specifically described herein, are subject to said special assessments. The buildable tax parcels abutting or served by the improvements are proposed to be assessed \$5,000 per buildable tax parcel for those tax parcels abutting or served by Salem Church Road and \$6,000 per buildable tax parcel for those tax parcels abutting or served by Roanoke Road.

ASSESSMENT ROLL AVAILABLE FOR INSPECTION:

The proposed assessment roll is now on file with the City Clerk and City Treasurer and is open for public inspection at St. Anne's Episcopal Church at 2035 Charlton Road (Highway 110 and Charlton Road), Sunfish Lake, Minnesota. The assessment roll is open for public inspection and is being mailed to all the above identified record owners of the parcels proposed to be assessed. The assessment roll will also be available for examination at the hearing.

OBJECTIONS AND APPEALS:

Written and oral objections will be considered at the hearing. Minnesota Statutes § 429.061 states that no appeal may be taken as to the amount of the 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.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes § 429.081 by serving notice of appeal upon the Mayor or the City Clerk of the City within thirty (30) days after the adoption of the assessment and filing such notice with the District Court within ten (10) days after service upon the Mayor or the City Clerk.

SENIOR CITIZENS DEFERMENT:

Under Minnesota Statutes § 435.193 to 435.195, the Sunfish Lake City Council may, in its discretion, defer the payment of these special assessments (a) for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments, (b) for any homestead property owned by a person who is retired by virtue of a total and permanent disability for whom it would be a hardship to make the payments, or (c) for any homestead property owned 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 Minnesota Statutes Section 190.05, subdivision 5(b) or 5(c)], as stated in the person's military order's, for whom it would be a hardship to make the payments. When deferment of the special assessments has been granted and is terminated for any reason provided by law, all amounts accumulated, plus applicable interest, become due. Any assessed property owner meeting the requirements of this law may apply to the City Clerk on the prescribed form for such deferral or payments of these special assessments. If you qualify and wish a deferment, contact the City Clerk.

AUTHORITY TO SPECIALLY ASSESS:

The proposed assessments are to be levied pursuant to Minnesota Statutes, Chapter 429. The improvements are proposed to be assessed against the buildable unit tax parcels abutting or served by the improvements. The areas, parcels, lots and pieces of property, as specifically described herein, are subject to said assessments. The amounts set forth in this Notice are the proposed assessments. The City Council may levy and adopt special assessments that are the same or different than the proposed amounts.

PAYMENT OF SPECIAL ASSESSMENTS:

Once the special assessments are levied and adopted, the special assessments will be certified to the Dakota County Auditor to be extended on the property tax lists for collection with real estate taxes. Prior to this certification, however, the property owner may prepay the entire amount of the assessments without any interest thereon provided the prepayment is received by October 5, 2017. If the property owner wishes to prepay the special assessments without any interest, then such payment must be made to the City of Sunfish Lake at the City Treasurer's Office, Attention: Ann Lanoue, 8010 Corey Path, Inver Grove Heights, Minnesota 55076. Partial prepayment of the special assessment is not presently allowed under the City ordinances; the prepayment, without interest, must be for the entire amount of the special assessments.

If prepayment is not received by October 5, 2017, then:

- a.) the total principal amount of the special assessments will be divided into an equal number of annual installments. The proposed number of annual installments is ten (10). The number of annual installments will be decided by the City Council when the special assessments are levied.
- b.) The principal amount of the special assessments shall bear interest at the rate determined by the City Council when the special assessments are levied. The proposed interest rate is 4.15%.
- c.) Interest is proposed to begin to accrue from and after September 5, 2017, the date of the levy of the assessments.
- d.) The annual principal installments, together with interest accrued on the unpaid balance, are due and payable together with real estate taxes.
- e.) Interest on the entire special assessments, from September 5, 2017, to December 31 of the year in which the first installment is payable, is added to the first principal installment. The first installment will be due and payable in 2018.
- f.) If in the future the property owner wishes to pay off the remaining balance of the assessments, then Minnesota Statutes § 429.061, subd. 3 provides that such payment be made to the City Treasurer or the Dakota County Auditor Treasurer,

together with interest accrued to December 31 of the year in which payment is made as long as payment is made prior to November 15, 2017; if the payoff occurs after November 15, 2017, then interest for the next year is also added.

If the adopted special assessments differ from the proposed assessments as to any particular lot, piece or parcel of land, then the City will mail to the owner a notice stating the amount of the adopted assessments. Owners will also be notified, by mail, if the City Council adopts any changes in the interest rate or prepayment requirements from those contained in this NOTICE OF HEARING.

PUBLISH: August 6, 2017 &
August 13, 2017 in *South-West Review*
(Official Newspaper)

MAIL: August 2, 2017

CITY OF SUNFISH LAKE

/s/
Catherine Iago, City Clerk