
**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: August 30, 2017
RE: 2017-01 Street Improvement Project (Roanoke Road Overlay and Salem Church Road Reconstruction) – Special Assessment Hearing
September 5, 2017 Council Meeting; Agenda Items 5(a) and 5(b)

Section 1. Background. On August 2, 2017, the attached Notice of Hearing on Proposed Special Assessments for the 2017-01 Street Improvement Project (Roanoke Road Overlay and Salem Church Road Reconstruction) was mailed to each affected landowner proposed to be assessed. On August 6, 2017 and on August 13, 2017, the attached Notice of Hearing on Proposed Special Assessments was published in the *South-West Review*.

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 project improvements, as described in the attached Notice of Hearing on Proposed Special Assessments. At the public hearing, the City Council may adopt the proposed assessments.

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.

Section 2. Council Action. At the September 5, 2017, Council meeting, the Council will be asked to consider the attached Resolution Adopting the Special Assessments for Project 2017-01.

After the Council meeting, my office will send a letter to each affected landowner. The letter will advise the landowner as to the levied amount of the assessment and as to the right to pre-pay the assessment without interest in 30 days. We will enclose a stamped, self-addressed envelope that may be returned to the City Treasurer with pre-payment.

In terms of the public hearing on September 5, 2017, I suggest the following sequence of events:

- 1.) Declaration by Mayor that the public hearing is open.
- 2.) Overview of the project by the City Engineer.
- 3.) Overview of the proposed assessments by the City Attorney.
- 4.) Citizen questions.
- 5.) Council questions.
- 6.) Motion to close the public hearing.
- 7.) Motion to adopt the attached Resolution Adopting the Special Assessments for Project 2017-01.

Attachments

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

RESOLUTION NO. 17-_____

**RESOLUTION ADOPTING SPECIAL ASSESSMENTS FOR
SUNFISH LAKE STREET IMPROVEMENT PROJECT 2014-01**

WHEREAS, pursuant to proper notice duly given as required by law, the City Council of Sunfish Lake has met and heard and passed upon all objections to the proposed special assessments for the 2017-01 Street Improvement Project as more fully described in the attached Notice of Hearing on Proposed Special Assessments.

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

1. Such proposed special assessments, as set forth in the attached Notice of Hearing on Proposed Special Assessments and Assessment Roll are hereby accepted and levied and shall constitute the special assessments against the parcels named therein and each tract of land therein is hereby found to be benefited by the proposed improvement in at least the amount of the special assessment levied against it.

2. Such special assessment shall be payable in equal annual principal installments extending over a period of ten (10) years, the first installment to be payable on or before the first Monday in January, 2018, and shall bear interest at the rate of 4.5% per year from and after September 5, 2017, until December 31, 2017. To each subsequent installment when due shall be added interest at the rate of 4.5% for one year on all unpaid installments.

The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Treasurer, except that no interest shall be charged if the entire assessment is paid prior to October 5, 2017. At any time thereafter, the landowner may pay to the County Treasurer 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 next year.

3. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax list of the county and such assessment shall be collected and paid over in the same manner as other taxes.

Adopted by the City Council of Sunfish Lake the 5th day of September, 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

ASSESSMENT ROLL
FOR SUNFISH LAKE CITY PROJECT 2017-01
(ROANOKE ROAD OVERLAY AND SALEM CHURCH ROAD RECONSTRUCTION)

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 Lliisa 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