

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

**FEBRUARY 5, 2014
7:00 P.M.**

AGENDA FOR PUBLIC HEARING

- 1.) Call to Order**
- 2.) Introductions and Welcome (Mayor)**
- 3.) Public Hearing to Consider Ordering of Sunfish Lake City Project 2014-01 Street Improvement Project**
 - Hearing Declared to Be Open (Mayor)
 - Review of Project Construction (Don Sterna)
 - Nature of Improvements
 - Review of Project Schedule (Don Sterna)
 - Outline of Financing (Tim Kuntz)
 - Schedule for Borrowing Funds (Tim Kuntz)
 - Request for Public Comments (Mayor)
 - Public Comments
 - Motion to Close Public Hearing
 - Council Discussion of Project
 - Motion to Approve Resolution Ordering Public Improvement Project 2014-01 And Approving Final Plans And Specifications For Project 2014-01 Street Improvement Project
 - Motion to Approve Resolution Ordering Advertisement for Bids for the 2014-01 Street Improvement Project

CITY OF SUNFISH LAKE
2014-01 STREET IMPROVEMENT PROJECT
SUMMARY

- **Estimated Total Project Cost:** \$347,875
- **Description of Project 2014-01:**

The 2014-01 Street Improvement Project (the Project) involves the bituminous reclamation and bituminous pavement surfacing to extend the life of Windy Hill Road, Windy Hill Court and the western half of Angell Road and related culvert work, shouldering, roadside swale grading and turf restoration.
- **Proposed Schedule for Project 2014-01:**
 - February 5, 2014: Council Orders Project, Approves Plans and Specifications and Authorizes Bids
 - April 1, 2014: Council Considers Bids and Awards Construction Contract
 - May 6, 2014: Council Issues Bond Obligations
 - July 25, 2014: Construction Complete
 - September 2, 2014: Special Assessment Hearing
- **Proposed Financing for Project 2014-01:**
 - 56%: \$205,000 Amount specially assessed against landowners
 - 44%: \$142,875 Amount paid by City participation
- **Amortization:** 10 years
- **Start Year (Collection):** 2015
- **Presumed Interest Rate:** 1.5% to 2.0% Above Bond Interest Rate Charged the City
- **Principal Special Assessment Amount Per Lot:** \$4,500 (Angell Road) and \$6,500 (Windy Hill Road and Windy Hill Court)

**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: January 29, 2014
RE: City of Sunfish Lake Project 2014-01 Street Improvement Project
February 5, 2014 Public Improvement Hearing

Section 1. Background. At the January 7, 2014 Council meeting, the Council, by various resolutions took the following actions related to the 2014-01 Street Improvement Project (the Project):

1. Appointed Don Sterna of WSB & Associates as project engineer.
2. Appointed Steve Apfelbacher of Ehlers & Associates as fiscal advisor.
3. Appointed Jenny Boulton of Kennedy & Graven as bond counsel.
4. Set February 5, 2014, as the date for the public hearing to consider whether the Project should be ordered.
5. Adopted a preliminary financing plan that calls for approximately 56% of the Project costs to be specially assessed and 44% to be paid for by City participation.
6. Adopted a Project schedule which calls for the public improvement hearing to be held February 5, 2014, construction during the summer of 2014, and the assessment hearing to be held in September 2014.
7. Accepted and adopted the Feasibility Report.

In advance of the February 5, 2014, public improvement hearing, we prepared a Notice of Public Hearing. The Notice was mailed to affected landowners on January 15, 2014, and was published in the City's official newspaper on January 19, 2014, and on January 26, 2014. A copy of the Notice is enclosed for reference.

Also enclosed please find the following resolutions to be considered at the February 5, 2014, Public Improvement Hearing:

1. Resolution Ordering Public Improvement Project 2014-01 and Approving Final Plans and Specifications for the 2014-01 Street Improvement Project.
2. Resolution Ordering Advertisement for Bids for the 2014-01 Street Improvement Project.

Section 2. Council Action. At the February 5, 2014, Public Improvement Hearing, the Council will be asked to consider the Resolution Ordering Public Improvement Project 2014-01 and Approving Final Plans and Specifications for Project 2014-01 and the Resolution Ordering Advertisement for Bids for the 2014-01 Street Improvement Project.

Enclosures

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

**NOTICE OF PUBLIC IMPROVEMENT HEARING
FOR 2014-01 STREET IMPROVEMENT PROJECT**

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the City Council of the City of Sunfish Lake 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 **Wednesday, February 5, 2014**, to consider the making of the following improvements in the 2014 Public Improvement Program:

2014-01 STREET IMPROVEMENT PROJECT

The 2014-01 Street Improvement Project (the Project) involves the bituminous reclamation and bituminous pavement surfacing to extend the life of Windy Hill Road, Windy Hill Court and the western half of Angell Road and related culvert work, shouldering, roadside swale grading and turf restoration.

THE ESTIMATED COST OF PROJECT 2014-01 IS: \$347,875

The parcels proposed to be assessed are (shown by tax parcel identification number):

Project Parcel No.	Name and Address of Record Owner	Tax Parcel Identification Number	Proposed Assessment Amount
1	Percio Arcedo Jr. and Migula Arcedo 2600 Angell Road Sunfish Lake, MN 55118-4702	38-03000-82-022	\$4,500
2 (land)	City of Sunfish Lake c/o City Clerk 7378 Jordan Avenue S. Cottage Grove, MN 55016-3645	38-73250-00-010	\$4,500
3 (land)	City of Sunfish Lake c/o City Clerk 7378 Jordan Avenue S. Cottage Grove, MN 55016-3645	38-73250-00-020	\$4,500
4	Catherine L. DeCourcy 2330 Angell Road Sunfish Lake, MN 55118-4702	38-73250-00-030	\$4,500

5	Linda L. Flynn 2324 Angell Road Sunfish Lake, MN 55118	38-73250-00-040	\$4,500
6	Deborah M. Molinaro, Trustee 2511 Angell Road Sunfish Lake, MN 55118	38-73250-00-140	\$4,500
7	Richard Braun 2471 Angell Road Sunfish Lake, MN 55118-4703	38-73250-00-130	\$4,500
8	Thomas R. Johnson and Catherine R. Johnson 2431 Angell Road Sunfish Lake, MN 55118-4703	38-73250-00-120	\$4,500
10	Jeffrey Alan Ward and Tracie Bluse Ward, Trustees 1 Windy Hill Court Sunfish Lake, MN 55077-1438	38-83680-01-090	\$6,500
11	Heddi E. Keenan and Gretchen Keenan 3 Windy Hill Court Sunfish Lake, MN 55077-1438	38-83680-01-080	\$6,500
12	John P. Seidel and Michele S. Seidel 5 Windy Hill Court Sunfish Lake, MN 55077-1438	38-83680-01-070	\$6,500
13	Paul R. Hansen and Shari E. Hansen 7 Windy Hill Court Sunfish Lake, MN 55077	38-83680-01-060	\$6,500
14	James C. Nelson and Marie P. Nelson 9 Windy Hill Court Sunfish Lake, MN 55077-1438	38-83680-01-050	\$6,500
15	Dominick Driano Jr. and Nancy Driano 8 Windy Hill Court Sunfish Lake, MN 55077	38-83680-01-040	\$6,500
16	Henry J. Pabst and Anne T. Pabst 6 Windy Hill Court Sunfish Lake, MN 55077-1437	38-83680-01-030	\$6,500
17	Joel W. Arney and Joyce A. Arney 4 Windy Hill Court Sunfish Lake, MN 55077-1437	38-83680-01-020	\$6,500

18	Bruce W. Richardson and Laura E. Richardson 2 Windy Hill Court Sunfish Lake, MN 55077-1437	38-83680-01-010	\$6,500
19	David M. Abramowicz 2 Windy Hill Road Sunfish Lake, MN 55077-1423	38-84325-01-020	\$6,500
20	Daniel B. O’Leary and Patricia A. O’Leary 10 Windy Hill Road Sunfish Lake, MN 55077	38-84325-01-010	\$6,500
21	Kurt L. Larson and Katherine A. Larson 11 Salem Lane Sunfish Lake, MN 55118	38-73202-01-010	\$6,500
22 (building)	James H. OHagan and Ann H. OHagan 35 Windy Hill Road Sunfish Lake, MN 55077-1424	38-73202-01-020	\$6,500
23 (land)	James H. OHagan and Ann H. OHagan 35 Windy Hill Road Sunfish Lake, MN 55077-1424	38-73202-01-030	\$6,500
24	Alan J. Spaulding and Melissa S. Spaulding 45 Windy Hill Road Sunfish Lake, MN 55077	38-73202-01-040	\$6,500
25	John D. Lamey Jr. and Frances Lamey 55 Windy Hill Road Sunfish Lake, MN 55077-1424	38-84300-01-010	\$6,500
26	Janet C. Riley, Trustee 75 Windy Hill Road Sunfish Lake, MN 55118	38-03100-03-012	\$6,500
27 (land)	Richard H. Bancroft Jr. and Deborah B. Bancroft 100 Windy Hill Road Sunfish Lake, MN 55077-1425	38-84300-01-020	\$6,500
28 (building)	Richard H. Bancroft Jr. and Deborah B. Bancroft 100 Windy Hill Road Sunfish Lake, MN 55077-1425	38-03800-06-011	\$6,500
29 (land)	Richard H. Bancroft Jr. and Deborah B. Bancroft 100 Windy Hill Road Sunfish Lake, MN 55077-1425	38-03100-06-013	\$6,500

30 (building)	Richard H. Bancroft Jr. 100 Windy Hill Road Sunfish Lake, MN 55077-1425	38-03100-05-010	\$6,500
31 (land)	DEVEE LLC 2111 Delaware Avenue Sunfish Lake, MN 55118	38-03800-13-010	\$32,500 (5 buildable lot units)

Said improvements are to be considered pursuant to Minnesota Statutes, Chapter 429.

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 \$4,500 per buildable tax parcel for those tax parcels abutting or served by Angell Road and \$6,500 per buildable tax parcel for those tax parcels abutting or served by Windy Hill Road and Windy Hill Court. Information concerning project costs and the estimate of the assessments will be available at the hearing. A reasonable estimate of the impact of the assessments will be available at the hearing.

The total estimated cost of the above listed improvements is \$347,875. The total amount proposed to be assessed is \$205,000, which is approximately 59% of the estimated cost of the Project. Persons desiring to be heard with reference to the proposed improvements will be heard at said time and place of the public hearing. Written or oral objections will be considered at the public hearing.

The feasibility report concerning the improvements is on file with the City Clerk and the City's Consulting Engineer. The feasibility report is available for public inspection prior to the public hearing by contacting the City's Consulting Engineer, Don Sterna, WSB & Associates, Inc., 701 Xenia Avenue South, Suite 300, Minneapolis, Minnesota, 55416, or by telephone at 763-287-7189.

Publish - January 19, 2014

Publish - January 26, 2014

In ***South-West Review***

(Official Newspaper)

Mail - January 15, 2014

CITY OF SUNFISH LAKE

/s/

Catherine Iago, City Clerk

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

RESOLUTION NO. 14-_____

**A RESOLUTION ORDERING PUBLIC IMPROVEMENT PROJECT 2014-01
AND APPROVING FINAL PLANS AND SPECIFICATIONS FOR
THE 2014-01 STREET IMPROVEMENT PROJECT
IN THE CITY OF SUNFISH LAKE**

PROJECT 2014-01

WHEREAS, on January 7, 2014, the City Council of Sunfish Lake adopted a resolution calling for a public hearing and approving a notice of hearing, which hearing was to be held on February 5, 2014 with respect to the 2014-01 Street Improvement Project (the Project).

WHEREAS, the Project involves bituminous reclamation and bituminous pavement surfacing to extend the life of Windy Hill Road, Windy Hill Court and the western half of Angell Road and related culvert work, shouldering, roadside swale grading and turf restoration.

WHEREAS, the notice of public improvement hearing was published in the City's official newspaper on January 19, 2014 and on January 26, 2014, and was mailed to all affected landowners on January 15, 2014, pursuant to Minnesota Statute 429.031.

WHEREAS, the public improvement hearing to consider the ordering of Project 2014-01 was held on February 5, 2014, at which time all persons desiring to be heard were given an opportunity to be heard.

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

1. That Project 2014-01 as so identified above is hereby ordered as proposed and noticed in the notice of public improvement hearing relating to said Project.
2. The City's consulting engineer, WSB & Associates, Inc., is hereby designated the engineer for this improvement project. The final plans and specifications for the making of the improvements as prepared and submitted by WSB & Associates, Inc. are hereby approved.
3. The contract for construction of the improvements relating to Project 2014-01 is authorized to be let by the City of Sunfish Lake. The construction contract shall be let no later than two years after the adoption of this resolution.

Adopted by the City Council of Sunfish Lake this 5th day of February, 2014.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk

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

RESOLUTION NO. 14- _____

**RESOLUTION ORDERING ADVERTISEMENT FOR BIDS
FOR THE 2014-01 STREET IMPROVEMENT PROJECT**

WHEREAS, the City Consulting Engineer has prepared plans and specifications for the bituminous reclamation and bituminous pavement surfacing to extend the life of Windy Hill Road, Windy Hill Court and the western half of Angell Road and related culvert work, shouldering, roadside swale grading and turf restoration (Improvements) and has presented such plans and specifications to the Council.

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

1. The final plans and specifications for the making of the Improvements as prepared and submitted by WSB & Associates, Inc. are hereby approved.
2. The City Clerk and the City Consulting Engineer shall prepare and cause to be inserted in the City's official newspaper (*South-West Review*) an advertisement for bids for constructing such Improvements under the approved plans and specifications.
3. The advertisement shall be published on February 16, 2014 and on February 23, 2014, in the *South-West Review*.
4. The City Clerk and City Consulting Engineer shall prepare and cause to be inserted in a trade paper (*Finance & Commerce*) an advertisement for bids for constructing such Improvements under the approved plans and specifications.
5. The advertisement shall be published on February 18, 2014 and on February 24, 2014 in the *Finance & Commerce*.
6. The advertisement shall specify the work to be done, shall state that the deadline for submission of bids will be 2:00 p.m. on March 19, 2014, and that the bids will be opened and tabulated on March 19, 2014 at the offices of WSB & Associates, Inc., 701 Xenia Avenue South, Suite 300, Minneapolis, Minnesota. At the bid opening, Don Sterna of WSB & Associates, Inc., Timothy J. Kuntz, or his designee, of the law firm of LeVander, Gillen & Miller, P.A., and Mayor Molly Park, or a Councilmember, shall be present to act as designated officers and agents of the City for the purpose of opening and tabulating the bids.

7. The bids will be considered by the City Council at 7:00 p.m. on Tuesday, April 1, 2014, in the Council Chambers at St. Anne's Episcopal Church at 2035 Charlton Road (Highway 110 and Charlton Road), Sunfish Lake, Minnesota. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility.
8. No bids will be considered unless sealed and filed with the City Clerk and accompanied by a cash deposit, cashier's check, bid bond or certified check for five (5%) percent of the amount of such bid.

Passed this 5th day of February, 2014.

Molly Park, Mayor

Catherine Iago, City Clerk