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◻ALSO ADMITTED IN OKLAHOMA

MEMO

TO: Sunfish Lake Mayor, Councilmembers and Consultants
FROM: Timothy J. Kuntz, City Attorney
DATE: September 1, 2021
**RE: City Project No. 2021-02 Zehnder Road Improvement Project – Resolution
Declaring Costs to be Assessed & Resolution Calling for Assessment
Hearing; September 7, 2021 Council Meeting; Agenda Item 8(b)(2)**

Section 1. Background. On Tuesday, October 5, 2021, the City will hold a public hearing to consider, pass upon, adopt and levy the proposed special assessments for City Project No. 2021-02 (Zehnder Road Improvement Project) (the “Project”) 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 2021-02 is \$87,412.40. The total amount of the proposed assessments is about 55% thereof, namely, the sum of \$48,500. The Project is proposed to be specially assessed against buildable tax parcels either abutting or served by the improvements. The areas and parcels, as specifically described herein, are subject to the special assessments. The buildable tax parcels abutting or served by the improvements are proposed to be assessed \$9,700 per buildable tax parcel for those tax parcels abutting or served by Zehnder Road.

Section 2. Council Action. At the September 7, 2021, 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 City Project No. 2021-02 (Zehnder Road Improvement Project); and
2. Resolution Calling For An Assessment Hearing With Respect To City Project No. 2021-02 (Zehnder Road Improvement Project).

Attachments

COST ITEM	PROJECT NO. 2021-01 SUNNYSIDE LANE	PROJECT NO. 2021-02 ZEHNDER ROAD	PROJECT NO. 2021-03 ANGELL ROAD EAST	PROJECT NO. 2021-04 GRIEVE GLEN LANE
Construction Cost (\$406,021.20)	\$102,593 (25%)	\$57,365 (14%)	\$82,943.20 (21%)	\$163,120 (40%)
Contingency (\$5,000)	\$5,000	\$5,000	\$5,000	\$5,000
Pre-construction Costs (\$90,112)**	\$22,528	\$12,616	\$18,924	\$36,044
Bond Issuance (\$17,320)	\$4,330	\$2,424.80	\$3,637.20	\$6,928
Underwriter Discount (\$8,190)	\$2,047.50	\$1,146.60	\$1,719.90	\$3,276
Engineering Costs Post Bond Issuance (\$37,000)	\$9,250	\$5,180	\$7,770	\$14,800
Attorneys Fees Post Bond Issuance (\$12,000)	\$3,000	\$1,680	\$2,520	\$4,800
Publication Fees	\$1,000	\$1,000	\$1,000	\$1,000
Misc. Record Keeping Costs	\$1,000	\$1,000	\$1,000	\$1,000
TOTAL (\$598,643.20)	\$150,748.50	\$87,412.40	\$124,514.30	\$235,968

** The \$90,112 pre-construction costs includes the following:

- \$50,812 for engineering expenses including feasibility reports, memos related to public improvements, plans and specs and contract award.
- \$14,000 for legal fees for Council memos, notices of public hearing, drafting of resolutions ordering projects and awarding contract and preparation of preliminary financing plan and schedules for projects.
- \$5,300 for publishing costs relating to the public hearing notices and clerk and administrator time.
- \$20,000 for benefit analysis.

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

RESOLUTION NO. 21-_____

**A RESOLUTION DECLARING COSTS TO BE ASSESSED AND
ORDERING PREPARATION OF PROPOSED ASSESSMENTS
FOR SUNFISH LAKE CITY PROJECT NO. 2021-02
(ZEHNDER ROAD IMPROVEMENT PROJECT)**

WHEREAS, pursuant to Minnesota Statute § 429.061 the costs and expense incurred and to be incurred in making City Project No. 2021-02 (Zehnder Road Improvement Project) have been calculated and so determined.

WHEREAS, the cost and expense incurred and to be incurred in making City Project No. 2021-02 is the amount of \$87,412.40.

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 City Project No. 2021-02 shall be approximately 55% of the total amount, namely the sum of \$48,500.
- 2.) The other 45% of the total amount of the Project costs, namely the sum of \$38,912.40 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 7th day of September, 2021.

Dan O'Leary, Mayor

Attest:

Catherine Iago, City Clerk

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

RESOLUTION NO. 21-_____

**RESOLUTION CALLING FOR AN ASSESSMENT
HEARING WITH RESPECT TO SUNFISH LAKE CITY PROJECT NO. 2021-02
(ZEHNDER ROAD IMPROVEMENT PROJECT)**

WHEREAS, the City Council directed the City Clerk to prepare a proposed assessment roll for City Project No. 2021-02 (Zehnder Road Improvement Project).

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 October, 2021 at 7:00 p.m. via Zoom teleconferencing (instructions to access the meeting to be provided on the City website) to pass upon such proposed assessment and at such time 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 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 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 7th day of September, 2021.

Dan O'Leary, Mayor

Attest:

Catherine Iago, City Clerk

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

**NOTICE OF HEARING ON PROPOSED SPECIAL ASSESSMENTS
FOR SUNFISH LAKE CITY PROJECT NO. 2021-02
(ZEHNDER ROAD IMPROVEMENT PROJECT)**

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the City Council of the City of Sunfish Lake will meet via telephone or other electronic means pursuant to Minn. Stat. § 13D.021, Subd. 1, and will hold a public hearing (via the Zoom teleconferencing instructions set forth below) at **7:00 p.m.** on **Tuesday, October 5, 2021.** The instructions to access the public hearing are as follows:

Zoom Meeting Instructions for the October 5, 2021 Sunfish Lake Council Meeting:

Join Zoom Meeting via the following Zoom link:

<https://wsbeng.zoom.us/j/92124807136>

OR

Call-in phone number: 1-312-626-6799. You will be prompted to enter the Meeting ID#.

Meeting ID# for October 5, 2021: 921 2480 7136

The Zoom access instructions will also be available on the City website at www.sunfishlake.org

The purpose of the public hearing is 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.

SUNFISH LAKE CITY PROJECT NO. 2021-02
(ZEHNDER ROAD IMPROVEMENT PROJECT)

GENERAL NATURE OF IMPROVEMENTS:

The Zehnder Road Improvement Project consists of roadway surface improvements on Zehnder Road from 60th Street West to the end of Zehnder Road. Roadway surface improvements consist of a full depth reclamation and paving. Additionally, existing storm culverts in the project area were reviewed and determined to need maintenance such as jetting out sediment and debris.

AREAS PROPOSED TO BE ASSESSED:

The areas proposed to be assessed for Project 2021-02 are the tax parcels listed below. The proposed assessments are listed below:

Project Parcel Number	Tax Parcel Identification No.	Name and Address of Record Owner	Proposed Assessment Amount
Parcel 1	38-33500-01-060	John A. Metcalf 10 Hamen Court Sunfish Lake, MN 55077	\$9,700
Parcel 2	38-33500-02-050	James B. Naves and Jeannine M. Naves 5900 Zehnder Road Sunfish Lake, MN 55077	\$9,700
Parcel 3	38-33500-02-060	Lai-Ping Tam and Yue-Him Tam 5940 Zehnder Road Sunfish Lake, MN 55077	\$9,700
Parcel 4	38-33500-02-070	Gary D. Sommerland and Judith L. Sommerland and Bryan Sommerland (Trustees) 5960 Zehnder Road Sunfish Lake, MN 55077	\$9,700
Parcel 5	38-33500-02-080	Mary Jo L. Meuleners and Raymond F. Lacroix 5980 Zehnder Road Sunfish Lake, MN 55077	\$9,700
TOTAL ASSESSMENTS			\$48,500

TOTAL AMOUNT OF PROPOSED ASSESSMENT:

The total project cost for Project 2021-02 is \$87,412.40. The total amount of the proposed assessments is about 55% thereof, namely, the sum of \$48,500. 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 \$9,700 per buildable tax parcel for those tax parcels abutting or served by Zehnder Road.

ASSESSMENT ROLL AVAILABLE FOR INSPECTION:

The proposed assessment roll is on file with the City Clerk and City Treasurer. 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 November

15, 2021. 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 November 15, 2021, 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 3.0%.
- c.) Interest is proposed to begin to accrue from and after January 1, 2022.
- 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 January 1, 2022, to December 31, 2022 (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 2022.
- 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 to 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 15th; if the payoff occurs after November 15th, 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: September 12, 2021 and
September 19, 2021 in *St. Paul Pioneer Press*
(Official Newspaper)
MAIL: September 9, 2021

CITY OF SUNFISH LAKE

/s/

Catherine Iago, City Clerk