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◊ALSO ADMITTED IN OKLAHOMA

MEMO

**TO: Sunfish Lake Mayor and Councilmembers
Sunfish Lake Consultants**
FROM: Timothy J. Kuntz, City Attorney
DATE: August 28, 2019
**RE: City Project No. 2020-01 (Mill and Overlay Project); Resolution Accepting
Feasibility Report and Calling for Public Hearing
September 3, 2019 Council Meeting – Agenda Item 8(c)**

Section 1. Draft Feasibility Report dated August 6, 2019. At the August 6, 2019 Council meeting, the Council received and discussed the feasibility report for City Project No. 2020-01 (Mill and Overlay Improvements) prepared by City Engineer Jeff Sandberg of WSB & Associates, Inc.

The feasibility report studied the existing bituminous pavement condition and local drainage infrastructure condition of the local streets of Zehnder Road, Angell Road (East) and Sunnyside Lane to determine infrastructure improvements and street rehabilitative measures.

At the August 6, 2019 Council meeting, the Council, in a preliminary fashion, approved City Project No. 2020-01 (Mill and Overlay Project) with an estimated cost of \$148,750, with an estimated breakdown of project costs as follows:

• Zehnder Road:	\$24,940
• Angell Road (East):	\$42,950
• Sunnyside Lane:	<u>\$80,860</u>
TOTAL:	\$148,750

The proposed funding for the improvements is a combination of City financing and special assessments to benefitting properties. The City Assessment Policy states that projects involving mill and overlay as well as stormwater improvements will be specially assessed.

The City Assessment Policy identifies Angell Road (East) as a Neighborhood Collector Street to be assessed 60% of the street improvement costs for that street. The City Assessment Policy identifies Zehnder Road and Sunnyside Lane as Local Streets to be assessed 80% of the street improvement costs for those streets. The City Assessment Policy identified the culvert repairs as Lateral Stormwater Management Improvements to be assessed 50% of the stormwater improvement costs.

At the August 6, 2019, Council meeting, the Council, in a preliminary fashion, approved the following amounts proposed to be assessed for Project 2021-01 to the affected landowners:

• Zehnder Road:	\$19,950 (80% assessed to landowners)
• Angell Road (East):	\$25,800 (60% assessed to landowners)
• Sunnyside Lane:	\$57,600 (80% assessed to landowners for mill and overlay and 50% assessed to landowners for culvert repairs)
• City Financing:	<u>\$45,400</u>
TOTAL:	\$148,750

Section 2. Final Feasibility Report dated September 3, 2019. The City Engineer updated the draft feasibility report dated August 6, 2019 and the Council will consider the final feasibility report dated September 3, 2019 at the September 3rd Council meeting.

The major change between the draft feasibility report and the final feasibility report relates to the existing storm culverts in the project area. In August 2019, WSB staff completed a field visit to verify the conditions of all the culverts. While most of the culverts were filled with sediment and debris and in need of maintenance, the structural integrity of the culverts was determined to be sound and per the feasibility report, WSB proposes that the culverts be considered for replacement at the time of full street construction, rather than at the time of mill and overlay improvements.

By removing the culvert replacements from the project costs, the total project cost has been reduced from \$148,750 to \$138,380. An estimated breakdown of project costs per the September 3, 2019 feasibility report is as follows:

• Zehnder Road:	\$30,050
• Angell Road (East):	\$44,600
• Sunnyside Lane:	<u>\$63,730</u>
TOTAL:	\$138,380

Per the September 3, 2019 feasibility report, the following amounts are proposed to be assessed for Project 2021-01 to the affected landowners:

• Zehnder Road:	\$24,010 (80% assessed to landowners)
• Angell Road (East):	\$26,760 (60% assessed to landowners)
• Sunnyside Lane:	\$51,000 (80% assessed to landowners)
• City Financing:	<u>\$36,610</u>
TOTAL:	\$138,380

At the September 3, 2019 Council meeting, the Council will be asked to receive and accept the final feasibility report prepared by the City Engineer dated September 3, 2019 and authorize the preparation of plans and specifications in accord with the final feasibility report.

Section 3. Call for Public Hearing regarding City Project No. 2020-01. A public hearing to consider the improvements under City Project No. 2020-01 is proposed to be held at the first regular City Council meeting in November 2019 at St. Anne's Episcopal Church (Highway 62 and Charlton Road) in Sunfish Lake.

Because there is a School Board election on November 5, 2019, the Council will need to decide whether to hold the regular November Council meeting on November 5, 2019 at 8:00 p.m. or on Wednesday, November 6, 2019 at 7:00 p.m. The Council will make this decision at the September 3, 2019 Council meeting. The public hearing will be scheduled according to the Council's decision, namely, either Tuesday, November 5, 2019 at 8:00 p.m. or Wednesday, November 6, 2019 at 7:00 p.m.

The City Attorney's office will give mailed and published notice of the public hearing to consider the improvements under City Project No. 2020-01 as required by law. Notice of the hearing will be published in the City's official newspaper on October 13, 2019 and on October 20, 2019 and mailed notice will be sent to the affected landowners on or about October 11, 2019. A list of the subject properties affected by City Project No. 2020-01 is found on **Exhibit A** to the attached resolution.

Section 4. Council Action. At the Council meeting on September 3, 2019, the Council will consider the attached Resolution Receiving the Final Feasibility Report of the Consulting Engineer and Calling for a Public Improvement Hearing Concerning City Project No. 2020-01 (Mill and Overlay Improvements).

Attachment

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

RESOLUTION NO. 19- _____

**A RESOLUTION RECEIVING THE FINAL FEASIBILITY REPORT
OF THE CONSULTING ENGINEER AND CALLING FOR A PUBLIC
IMPROVEMENT HEARING CONCERNING CITY PROJECT NO. 2020-01
(MILL AND OVERLAY PROJECT)**

WHEREAS, the City Council of Sunfish Lake directed WSB & Associates, Inc., the City's consulting engineer, to prepare a feasibility study for the consideration of mill and overlay rehabilitative measures on Zehnder Road, Angell Road (East) and Sunnyside Lane pursuant to Minnesota Statutes, Chapter 429.

WHEREAS, a draft feasibility report for City Project No. 2020-01 dated August 6, 2019 was submitted to the City Council of Sunfish Lake at the August 6, 2019 regular City Council meeting and was reviewed and discussed by the City Council at the August 6, 2019 regular City Council meeting.

WHEREAS, a final feasibility report for City Project No. 2020-01 dated September 3, 2019 was submitted to the City Council of Sunfish Lake at the September 3, 2019 regular City Council meeting and was reviewed and discussed by the City Council at the September 3, 2019 regular City Council meeting.

WHEREAS, the final feasibility report studies the existing bituminous pavement condition and local drainage infrastructure condition to determine infrastructure improvements and street rehabilitative measures for the local residential streets of Zehnder Road, Angell Road (East) and Sunnyside Lane.

WHEREAS, at the September 3, 2019 Council meeting, the Council approved City Project No. 2020-01 (Mill and Overlay Project) with an estimated cost of \$138,380, with a breakdown of project costs as follows:

• Zehnder Road:	\$30,050
• Angell Road (East):	\$44,600
• Sunnyside Lane:	<u>\$63,730</u>
TOTAL:	\$138,380

WHEREAS, the proposed funding for the improvements is a combination of City financing and special assessments to benefitting properties. The City Assessment Policy identifies Angell Road (East) as a Neighborhood Collector Street to be assessed 60% of the street improvement costs for that street. The City Assessment Policy identifies Zehnder Road and Sunnyside Lane as Local Streets to be assessed 80% of the street improvement costs for those streets.

WHEREAS, the proposed assessment amounts and City financing amount are:

- Zehnder Road: \$24,010 (80% assessed to landowners)
- Angell Road (East): \$26,760 (60% assessed to landowners)
- Sunnyside Lane: \$51,000 (80% assessed to landowners)
- City Financing: \$36,610
- TOTAL: \$138,380

NOW, THEREFORE, THE CITY COUNCIL OF SUNFISH LAKE DOES HEREBY RESOLVE AS FOLLOWS:

1. The final feasibility report dated September 3, 2019 is hereby received and approved by the City Council of Sunfish Lake. The City Council authorizes the preparation of plans and specifications in accord with the feasibility report. The plans and specifications shall be prepared by WSB & Associates, Inc.

WSB & Associates, Inc. is hereby designated the engineer for this improvement project.

2. The City Council will consider the improvements under City Project No. 2020-01 in accordance with the report and consider the financial feasibility of the project and the feasibility of specially assessing the subject properties pursuant to Chapter 429 of the Minnesota Statutes. A list of the subject properties affected by City Project No. 2020-01 is attached hereto as **Exhibit A**.
3. A public hearing to consider the Mill and Overlay Improvements under City Project No. 2020-01 shall be held at _____ p.m. on November ____, 2019, at St. Anne's Episcopal Church, Highway 62 and Charlton Road in the City of Sunfish Lake.
4. The City Attorney's office shall give mailed and published notice of the public hearing to consider the improvements under City Project No. 2020-01 as required by law. Notice of the hearing shall be published in the City's official newspaper on October 13, 2019 and on October 20, 2019 and mailed notice shall be sent to the affected landowners on or about October 11, 2019, or as soon thereafter as is practicable.

Adopted by the City Council of Sunfish Lake this 3rd day of September, 2019.

Dan O'Leary, Mayor

ATTEST:

Catherine Iago, City Clerk

EXHIBIT A
LIST OF SUBJECT PROPERTIES AFFECTED BY
CITY PROJECT NO. 2020-01

Project Parcel Number	Tax Parcel Identification No.	Landowner Name and Property Address
Parcel 1	38-33500-01-060	John A. Metcalf 10 Hamen Court Sunfish Lake, MN 55077
Parcel 2	38-33500-01-050	John A. Metcalf 10 Hamen Court Sunfish Lake, MN 55077
Parcel 3	38-33500-02-050	James B. Naves and Jeannine M. Naves 5900 Zehnder Road Sunfish Lake, MN 55077
Parcel 4	38-33500-02-060	Lai-Ping Tam and Yue-Him Tam 5940 Zehnder Road Sunfish Lake, MN 55077
Parcel 5	38-33500-02-070	Gary D. Sommerland and Judith L. Sommerland 5960 Zehnder Road Sunfish Lake, MN 55077
Parcel 6	38-33500-02-080	Mary Jo L. Meuleners and Raymond F. Lacroix 5980 Zehnder Road Sunfish Lake, MN 55077
Parcel 7	38-33500-02-090	Mary Jo L. Meuleners and Raymond F. Lacroix 5980 Zehnder Road Sunfish Lake, MN 55077
Parcel 8	38-73250-00-090	Shoshannah Baron-Palchizaca and Benedicto Palchizaca Tenezaca 2050 Angell Road Sunfish Lake, MN 55118

Parcel 9	38-73250-00-100	Michael G. Costello 2150 Angell Road Sunfish Lake, MN 55118
Parcel 10	38-73250-00-110	Megan Manternach and Dean Manternach 2335 Angell Road Sunfish Lake, MN 55118
Parcel 11	38-73250-00-041	Property Address: Linda L. Flynn 2324 Angell Road Sunfish Lake, MN 55118 Mailing Address: Linda J. Flynn 3533 Sawgrass Trail E. Eagan, MN 55123
Parcel 12	38-42600-01-051	H. William Park and Mary J. Park 15 Sunnyside Lane Sunfish Lake, MN 55118
Parcel 13	38-42600-01-060	Michael F. McFadden and Mary Kate McFadden 25 Sunnyside Lane Sunfish Lake, MN 55118
Parcel 14	38-42600-01-070	Thomas P. Hurley and Julie K. Hurley 27 Sunnyside Lane Sunfish Lake, MN 55118
Parcel 15	38-42600-01-080	Daniel K. Halvorsen III and Kay O. Halvorsen 37 Sunnyside Lane Sunfish Lake, MN 55118
Parcel 16	38-42600-01-090	Eric J. English and Sally L. English 47 Sunnyside Lane Sunfish Lake, MN 55118
Parcel 17	38-42601-01-020	Michael J. Prueher and Melissa Prueher 50 Sunnyside Lane Sunfish Lake, MN 55118

Parcel 18	38-42601-001-010	Michael S. Magnuson and Mary Kathleen Magnuson 40 Sunnyside Lane Sunfish Lake, MN 55118
Parcel 19	38-42601-001-130	Michael S. Magnuson and Mary Kathleen Magnuson 40 Sunnyside Lane Sunfish Lake, MN 55118
Parcel 20	38-42600-001-140	Michael W. Saxon and Polly L. Saxon 20 Sunnyside Lane Sunfish Lake, MN 55118
Parcel 21	38-42600-001-150	Maynard Jacobson 3 Angell Court Sunfish Lake, MN 55118
Parcel 22	38-73250-000-050	Maynard Jacobson 3 Angell Court Sunfish Lake, MN 55118
Parcel 23	38-73250-000-080	Johan L. Eriksson and Pamela P. Skroch 2095 Angell Road Sunfish Lake, MN 55118