

**MINUTES OF THE SPECIAL MEETING
CITY COUNCIL
LITTLE CANADA, MINNESOTA**

OCTOBER 29, 2018

Pursuant to due call and notice thereof a special meeting of the City Council of Little Canada, Minnesota was convened on the 29th day of October, 2018 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Mayor John Keis called the meeting to order at 6:00 p.m. and the following members of the City Council were present at roll call:

CITY COUNCIL:	Mayor	Mr. John Keis
	Council Member	Mr. Tom Fischer
	Council Member	Mr. Christian Torkelson
	Council Member	Mr. Michael McGraw
	Council Member	Mr. Rick Montour

ALSO PRESENT:	City Administrator	Mr. Chris Heineman
	City Engineer	Mr. Lee Elfering
	Public Works Dir.	Mr. Bill Dircks
	City Clerk	Ms. Heidi Heller

**IMPROVEMENT
NO. 2018-01
JACKSON
STREET/OLD
COUNTY ROAD
C/LAKE SHORE
AVE**

Mayor Keis opened the Assessment Hearing to consider the adoption of special assessments for Improvement No. 2018-01, Jackson Street, Old County Road C and Lake Shore Avenue (from Demont Avenue to Little Canada Road), consisting of mill and overlay paving, concrete curb and gutter repair, and watermain maintenance.

The City Engineer reviewed project costs, noting that the initial estimate was \$275,000, but bids came in higher, so the final estimated cost is \$317,906.56. He noted that \$122,731.98 are assessable costs, and two properties had additional work done that will be assessed. He then reviewed assessment payment methods which provide for payment (either in full or part) with no interest within the first 30 days after the assessment is adopted, or allowing the assessment to be certified against property taxes for collection over a 10 year period at an interest rate of 5.0%. The Engineer noted that after certification assessments can be paid off early to the County at any time. He suggested, however, that payments should be made prior to November 15th in the given year or the County will add the next year's interest to the balance. He explained how the assessment amounts for each property were determined.

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The City Engineer reported that anyone wishing to object to the proposed assessment should do so in writing at this time. Submitting a written objection will preserve the property owners right to contest the assessment in District Court. There were no written objections received.

Sandy Wahlberg, 2570 Jackson Street, stated the front of her home faces Lake Street even though her address is Jackson Street, and noted that their house was built before Lake Street was built. She asked if she would have to pay the 100% assessment that is shown on the assessment role. The City Engineer stated that the City's Assessment Policy states which side of a corner property will be determined as receiving the full assessment amount. He noted that staff can review the past assessment roles to see which side of 2570 Jackson was determined as the front.

The Public Works Director reviewed the 1995 assessment role for 2570 Jackson Street when Jackson Street was built, and reported that this property was assessed at that time with Jackson Street being the main frontage. The property owner, Sandra Wahlberg, has objected to her 100 % assessment amount and submitted the protest in writing.

Rocky Waite stated that 2733 Lake Shore Avenue has only 67 feet of frontage. The City Engineer stated that this is an odd shaped lot and the assessment policy provides for figuring an amount. Mr. Waite questioned the assessment amounts for several properties and received explanations from the City Engineer.

Mr. Waite questioned why the City-owned parcel was only assessed at the residential rate instead of the commercial rate. The City Engineer stated that typically the City properties are assessed at commercial rates, but since this particular piece of property is not developable, it was assessed at the residential rate. Mr. Waite also stated that he feels that the City should not be assessing properties.

There were seven attendees in the audience.

There were no additional comments from the general public.

Upon motion by McGraw, seconded by Montour, the assessment hearing was closed.

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Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-10-204 – ADOPTING THE ASSESSMENT ROLL FOR IMPROVEMENT NO. 2018-01, JACKSON STREET, OLD COUNTY ROAD C, AND LAKE SHORE AVENUE (DEMONT AVENUE TO LITTLE CANADA ROAD) CONSISTING OF MILL AND OVERLAY PAVING, CONCRETE CURB AND GUTTER REPAIR AND WATERMAIN MAINTENANCE AS RECOMMENDED BY CITY ENGINEER, AND DENYING THE OBJECTION BY SANDRA WAHLBERG, OWNER OF 2570 JACKSON STREET

The foregoing resolution was duly seconded by McGraw.

Ayes (5).

Nays (0). Resolution declared adopted.

**IMPROVEMENT
NO. 2018-02 PARK
VIEW COURT**

Mayor Keis opened the Assessment Hearing to consider the adoption of special assessments for Improvement No. 2018-02, Park View Court (Little Canada Road north to the Cul-de-sac) consisting of by mill and overlay paving, full curb replacement, driveway approach work, and watermain maintenance.

The City Engineer reviewed project costs, noting that the initial estimate was \$84,000.00 with the final estimated cost at \$86,681.16, with \$41,826.90 in assessable costs. He then reviewed assessment payment methods which provide for payment (either in full or part) with no interest within the first 30 days after the assessment is adopted, or allowing the assessment to be certified against property taxes for collection over a 10 year period at an interest rate of 5.0%. The Engineer noted that after certification assessments can be paid off early to the County at any time. He suggested, however, that payments should be made prior to November 15th in the given year or the County will add the next year's interest to the balance.

The City Engineer reported that anyone wishing to object to the proposed assessment should do so in writing at this time. Submitting a written objection will preserve the property owners right to contest the assessment in District Court. There were no written objections received.

There were five attendees in the audience.

Upon motion by Montour, seconded by McGraw, the assessment hearing was closed.

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Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-10-205 – ADOPTING THE ASSESSMENT ROLL FOR IMPROVEMENT NO. 2018-02, PARK VIEW COURT CONSISTING OF MILL AND OVERLAY PAVING, FULL CURB REPLACEMENT, DRIVEWAY APPROACH WORK AND WATERMAIN MAINTENANCE AS RECOMMENDED BY CITY ENGINEER.

The foregoing resolution was duly seconded by Keis.

Ayes (5).

Nays (0). Resolution declared adopted.

**IMPROVEMENT
NO. 2018-03
BURKE LANE &
CONDIT STREET**

Mayor Keis opened the Assessment Hearing to consider the adoption of special assessments for Improvement No. 2018-03, Burke Lane and Condit Street (from Nadeau Road to Nadeau Road) consisting of full reconstruction with concrete curb and gutter, storm sewer, and watermain maintenance.

The City Engineer reviewed project costs and the uniqueness and issues with this street, noting that the initial estimate was \$310,000 with the final estimated cost at \$365,331.64. He noted that the assessment amounts are the same as proposed at the public hearing since it is a capped rate when it is a full reconstruction project. He reviewed assessment payment methods which provide for payment (either in full or part) with no interest within the first 30 days after the assessment is adopted, or allowing the assessment to be certified against property taxes for collection over a 10 year period at an interest rate of 5.0%. The Engineer noted that after certification assessments can be paid off early to the County at any time. He suggested, however, that payments should be made prior to November 15th in the given year or the County will add the next year's interest to the balance.

The City Engineer then reviewed the assessment roll as well as a sample amortization schedule for an assessment that would be certified for collection with property taxes. He noted that the commercial properties south of Nadeau Road were assessed at a residential rate instead of a commercial rate, because even though they have frontage on Condit Street, they have no access to Condit. He stated this is the same way the commercial properties on the north side of Nadeau Road were assessed previously.

The City Engineer reported that anyone wishing to object to the proposed assessment should do so in writing at this time. Submitting a written

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objection will preserve the property owners right to contest the assessment in District Court.

The owners of 212 Nadeau Road, Jeff and Sandy Norris, have submitted a written objection to the 100% assessment since they are on the corner and their house actually faces Nadeau. The City Engineer explained that at the initial informational meeting, this property was proposed to have a 20% assessment. Prior to the Preliminary Assessment Hearing, it was determined that Condit Street should be their 100% frontage based on the City's Assessment Policy. The assessment policy indicates that "*Staff should use utilize factors such as orientation of neighboring houses, lot configuration, and driveway access*" in the determination of assessments for a corner lot. Information on the revised assessment was provided at the Preliminary Assessment Hearing, however Jeff and Sandy Norris did not attend this meeting.

The City Engineer stated that this parcel has never been assessed for street improvements since Nadeau Road was constructed and paid for by a developer. Fischer stated that this parcel has a walkway to the front door from Nadeau Road, but the driveway access is to Condit Street. Per the City's adopted Assessment Policy, the Council stated that if Condit Street is determined to be the 100% assessed side of the property at 212 Nadeau Road, the property owner will pay a 20% assessment on the Nadeau side of the property when Nadeau Road receives an improvement project.

The City Engineer explained that 174 Burke Lake is not included on the assessment since that end of Burke was previously urbanized as part of the Concetta Way development.

There were six attendees in the audience.

Upon motion by Keis, seconded by Montour, the assessment hearing was closed.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-10-206 – ADOPTING THE ASSESSMENT ROLL FOR IMPROVEMENT NO. 2018-03, BURKE LANE AND CONDIT STREET (NADEAU ROAD TO NADEAU ROAD) CONSISTING OF FULL RECONSTRUCTION WITH CONCRETE CURB AND GUTTER, STORM SEWER AND WATERMAIN MAINTENANCE AS RECOMMENDED BY CITY ENGINEER, AND DENYING THE OBJECTION BY JEFF AND SANDY NORRIS, OWNERS OF 212 NADEAU STREET, TO THE 100 % ASSESSMENT.

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The foregoing resolution was duly seconded by Montour.
Ayes (5).
Nays (0). Resolution declared adopted.

ADJOURN There being no further business, the meeting was adjourned at 7:21 p.m.

John T. Keis, Mayor

Attest: _____
Christopher Heineman, City Administrator