

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 9/21/09
Item No.: 11.a

Department Approval



City Manager Approval



Item Description: Public Hearing for the Project to be assessed in 2009

BACKGROUND

On August 24, 2009, the City Council set a date to hold a public hearing for the purpose of establishing special assessments for City Project P-07-02: 2007 PMP, Neighborhood 10 Reconstruction. It is suggested that the public hearing be conducted according to the attached agenda.

At the assessment hearing, staff will go through a brief presentation that will include a description of the project, project financing, and a discussion of typical assessments for properties benefiting from these improvements. Staff will summarize the City assessment policy and how it has been applied to this project.

It is suggested that if property owners have individual concerns about the quality of construction as part of the project or specific information about project deficiencies, these should be referred to the Engineering Department. Typically, these kinds of complaints relate to quality of finished construction and are covered under the one-year contract warranty period. Correction of these types of problems should not delay the adoption of assessment rolls.

Following past Council policy, if questions come up regarding specific assessments or if amendments to the assessment rolls are necessary, the hearing can be continued to the next council meeting for final adoption. However, since this year's assessment roll only includes 18 parcels, staff suggests that the hearing be handled at a single council meeting. If necessary, the hearing can be continued if the Council would like staff to investigate concerns brought up during the Public Hearing.

This project has been completed in accordance with the plans and specifications and there are no major problems with construction according to our final review.

POLICY OBJECTIVE

It is the City's policy to assess a portion of street reconstruction costs. The City follows the requirements of Chapter 429 of state statute for the assessment process. The proposed assessment roll has been prepared in accordance with Roseville's assessment policy and is consistent with the recommendations in the feasibility report prepared for this project. Once the Preliminary Assessment Roll has been prepared, the next step in the process is to hold a public hearing.

After the Public Hearing, the City Council adopts the assessment roll making it final. The City allows for a 30-day pre-payment period after the roll adoption. Following the pre-payment

period, assessment rolls are certified to Ramsey County for collection. The City will have the rolls certified by early November in order to allow the County enough time to add the assessments to property taxes.

FINANCIAL IMPACTS

Attachment A is a Project Financing Summary detailing the feasibility report and actual project costs for this improvement. This project was financed using assessments, utility funds, and street infrastructure funds.

The final assessment roll has been prepared in accordance with Roseville's assessment policy and as outlined in the project feasibility report. The preliminary assessment roll is attached and will be presented in detail at the assessment hearing.

STAFF RECOMMENDATION

Approve the attached resolution adopting and confirming the 2009 assessments. The 2009 assessment process is suggested to proceed according to the following schedule:

August 10	Approve Resolution declaring costs to be assessed, and ordering preparation of assessment roll
August 24	Approve Resolution receiving assessment roll and setting hearing date.
September 1	Notice of hearing published in the <i>Roseville Review</i>
September 8	Mail notices to affected property owners
September 21	Assessment hearing- adoption of assessment roll
Sept 22- Oct 23	Prepayment of assessments (30 days)
Oct 25-30	Tally of final assessment roll
November 2	Certification of assessment rolls to Ramsey County

If necessary, the assessment public hearing can be continued to the September 28, 2009 City Council meeting to allow staff time to research objections raised at the initial hearing.

REQUESTED COUNCIL ACTION

Approval of a resolution adopting and confirming 2009 assessments for improvements P-07-02.

Prepared by: Debra Bloom, City Engineer

Attachments: A: Project Financing Summary
B: Resolution
C: Preliminary Assessment Roll
D: Agenda for Assessment Public Hearing

**EXTRACT OF MINUTES OF MEETING
OF CITY COUNCIL
OF CITY OF ROSEVILLE
RAMSEY COUNTY, MINNESOTA**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was duly held in the City Hall at 2660 Civic Center Drive, Roseville, Minnesota, on Monday, the 21st day of September, 2009, at 6:00 o'clock p.m.

The following members were present: and the following were absent:

Councilmember Pust introduced the following resolution and moved its adoption:

RESOLUTION

**RESOLUTION ADOPTING AND CONFIRMING
2009 ASSESSMENTS FOR CITY PROJECT P-07-02**

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for City Project 07-02, the improvement of the streets in Neighborhood 10;

BE IT RESOLVED by the Council of the City of Roseville, Minnesota as follows:

1. The amount proper and necessary to be specially assessed at this time for City Project P-07-02 against every assessable lot, piece or parcel of land affected thereby has been duly calculated upon the basis of benefits, without regard to cash valuation, in accordance with the provisions of Minnesota Statutes, Chapter 429, as amended, and notice has been duly mailed and published, as required by law, that this Council would meet to hear, consider, and pass upon all objections, if any, and said proposed assessment has at all times since its filing been open for public inspection, and an opportunity has been given to all interested persons to present their objections, if any, to such proposed assessments.
2. This Council, having heard and considered all objections so presented, and being fully advised in the premises, finds that each of the lots, pieces, and parcels of land enumerated in the proposed assessment was and is specifically benefited by the construction of said improvement in not less than the amount of the assessment set opposite the description of each such lot, piece, and parcel of land, respectively, and such amount so set out is hereby levied against each of the respective lots, pieces and parcels of land therein.
3. The proposed assessments are hereby adopted and confirmed as the proper special assessments for each of said lots, pieces, or parcels of land, respectively, and the assessment against each parcel, together with interest at the rate of 6.5% per annum accruing on the full amount thereof from time to time unpaid, shall be a lien concurrent with general taxes upon such parcel and all thereof. The total amount of each such assessment shall be payable in equal annual principal installments extending over a period of fifteen (15) years, the first of said installments, together with interest on the entire assessment from the date hereof to December 31, 2009, to be payable with general taxes for the year 2009, collectible in 2010, and one of each of the remaining installments, together with one year's interest on that and all other unpaid installments, to be payable with general taxes for each consecutive year thereafter until the entire assessment is paid.

4. If the adopted assessment differs from the proposed assessment as to any particular lot, piece, or parcel of land, the manager shall mail to the owner a notice stating the amount of the adopted assessment. The manager must also notify affected owners of any changes adopted by the Council in interest rates or prepayment requirements from those contained in the notice of the proposed assessment
5. Prior to the certification of the assessment to the County Auditor, the owner of any lot, piece, or parcel of land assessed hereby may at any time pay the whole of such assessment, with interest to the date of payment, to the City Treasurer, but no interest shall be charged if such payment is made within 30 days after the date of this resolution.
6. The City Manager shall forthwith prepare and transmit to the County Auditor a certified duplicate of the assessment roll, with each installment and interest on each unpaid assessment set forth separately, to be extended upon the property tax lists of the County, and the County Auditor shall thereafter collect such assessments in the manner provided by law.

The motion for the adoption of the foregoing resolution was duly seconded by Council member and upon roll call vote being taken thereon, the following voted in favor thereof: and the following voted against the same: .

Whereupon said resolution was declared duly passed and adopted.

City Manager

Project 07-02
Neighborhood 10
Project Financing Summary

		Feasibility Report	Final Cost
1	Reconstruction	\$ 279,553.78	\$ 165,786.96
2	Storm sewer	\$ 71,217.90	\$ 3,214.51
3	Total Construction Cost	\$ 350,771.68	\$ 169,001.47
4			
5	Engineering*	N/A	\$ 32,300.42
6	Total Project Cost	\$ 350,771.68	\$ 201,301.89
7			
8	Summary of Non-assessable costs		
9	Storm sewer	\$ 71,217.90	\$ 3,214.51
10	Engineering*	N/A	\$ 614.37
11			
12	Total Non- assessable costs	\$ 71,217.90	\$ 3,828.88
13	*Engineering cost estimates included in feasibility report totals		
14			
15	Summary of Assessment Calculations		
16	Assessable Cost	\$ 279,553.78	\$ 196,858.63
17	Assessment Rate	\$ 32.30	\$ 22.75
18	Total Assessable Frontage	2,163.42	2,163.42
19			
20	Total Special Assessments	\$ 69,888.45	\$49,214.66
21			
22	Project Financing Summary		
23	General Fund (Engineering costs)	\$ 34,944.22	\$ 32,300.42
24	Street Infrastructure fund	\$ 185,403.80	\$ 116,572.30
25	Storm Sewer Utility	\$ 60,535.22	\$ 3,214.51
26	Special Assessments	\$ 69,888.45	\$ 49,214.66
27	Total	\$ 350,771.68	\$ 201,301.89

Preliminary Assessment Roll
07-02 Neighborhood 10
08/20/09

Total assessable project cost	\$ 196,858.63
Frontage used to calculate rate	2,163.42
Assessment Rate (100%)	\$ 90.99
Assessment Rate (25%)	\$ 22.75

PIN		ADDRESS	Front Yard	Side Yard	Total Frontage	Assessment	Notes
032923220070	0	Ridgewood	0.00	0.00	0.00	\$ -	No Street Frontage
032923220071	3120	Ridgewood	0.00	0.00	0.00	\$ -	No Street Frontage
032923220072	3116	Ridgewood	100.00	0.00	100.00	\$ 2,274.85	
032923220073	3110	Ridgewood	100.00	0.00	100.00	\$ 2,274.85	
032923220074	3104	Ridgewood	100.00	0.00	100.00	\$ 2,274.85	
032923220075	3100	Ridgewood	100.00	0.00	100.00	\$ 2,274.85	
032923220076	3096	Ridgewood	100.00	0.00	100.00	\$ 2,274.85	
032923220077	3088	Asbury	93.40	12.80	106.20	\$ 2,415.90	Odd lot = 15115/161.82
032923220078	3076	Asbury	97.80	0.00	97.80	\$ 2,224.81	Odd lot = 13852/141.65
032923220079	0	Asbury	34.50	0.00	34.50	\$ 784.82	
032923220080	3101	Ridgewood	127.50	12.80	140.30	\$ 3,191.62	Odd lot = 29403/192.24
032923220081	3111	Ridgewood	127.50	0.00	127.50	\$ 2,900.44	Odd lot = 10759/81.98
032923220082	0	Ridgewood	29.62	0.00	29.62	\$ 673.81	
032923220083	3117	Asbury	100.00	0.00	100.00	\$ 2,274.85	
032923220084	3103	Asbury	200.00	0.00	200.00	\$ 4,549.71	
032923220085	3093	Asbury	100.00	0.00	100.00	\$ 2,274.85	
032923220086	3085	Asbury	100.00	0.00	100.00	\$ 2,274.85	
032923220087	3077	Asbury	100.00	0.00	100.00	\$ 2,274.85	
032923220088	3069	Asbury	100.00	0.00	100.00	\$ 2,274.85	
032923220089	3061	Asbury	127.50	0.00	127.50	\$ 2,900.44	
None	right- of- way	Snelling Avenue	300	0.00	300.00	\$ 6,824.56	City Frontage - 150 feet x 2
TOTAL:			2137.82	25.60	2163.42	\$ 49,214.66	

AGENDA
PUBLIC HEARINGS FOR SPECIAL ASSESSMENTS

COMMENTS THAT SHOULD BE READ INTO THE RECORD:

- A. **Mayor** calls the meeting to order and announces the purpose of the hearing and the format for the meeting.

"This is a public hearing to consider special assessment rolls for various public improvement projects. The projects have been constructed and the decision will be whether the Council wishes to approve the assessment rolls as presented or make modifications to the assessment rates. The hearing will discuss how the project costs will be allocated and what the assessments against benefiting properties will be."

"The Council will consider individual assessment rolls for individual projects at this hearing. The Council may by simple majority vote to approve the assessment rolls for each project."

- B. **City Manager** should make comments regarding number of projects, types of projects, and published and mailed notices. This should include the following language:

"In accordance with Minnesota Statutes, Chapter 429, required published and legal mailed notices have been provided for each of the special assessment public hearings. Legal notices appeared in the City's legal newspaper, Roseville Review, on September 1, 2009. In addition, mailed notices have been sent to each affected property owner in accordance with the statute. Mailed notices were sent on September 8, 2009. Affidavits of mailing are available in the office of the City Engineer."

PROCEDURE FOR EACH PROJECT HEARING:

- A. **City Engineer** introduces the project by reading the project number and giving a brief description of the improvements presents summary of the nature of the improvement, the area involved, final project costs, project financing, and assessments.
- B. **City Manager** reads written statements objecting to assessments from affected property owners in regard to each project.
- D. **Mayor** opens hearing to the public. Speakers are requested to identify themselves and the street address of the property to which they are referring.

The following comments may be appropriate depending on how many people are in attendance.

"In an attempt to provide everyone an opportunity to be heard and yet conduct the hearing in an efficient manner, we suggest that rules be used for the individual hearings for these assessments. The rules will include the following:

Assessment Public Hearing Agenda

Page 2 of 2

1. Individuals should identify themselves by giving their name and address and should speak into the microphone.
2. Try to designate a neighborhood or block spokesperson to represent the area and summarize significant issues.
3. Each speaker should limit questions and comments to two to three minutes.
4. No person will be heard for a second time until all interested persons who wish to speak have had an opportunity to do so.
5. A maximum of 30 minutes will be allowed for questions and comments for residents unless significant major issues develop.

E. **Mayor** closes hearing.

After all citizen comments have been completed the mayor should indicate that the public hearing is closed and turn the hearing over to the City Council for action.

F. **Council** action on improvement.

The Council should continue all assessment hearings to September 28, 1998, to allow staff adequate time to review questions or complete additional research.