

CITY OF EYOTA
CITY COUNCIL MINUTES
PUBLIC HEARING
MAY 10, 2018

Members Present: Tyrel Clark, Bryan Cornell, Tony Nelson, Ray Schuchard and Kurt Holst

Members Absent: none

Staff Present: Daren Sikkink, WHKS & Co. and Marlis Knowlton, Clerk/Treasurer

Guests: See "Exhibit A"

Call to Order: Mayor Clark called the meeting to order at 6:35 p.m.

Agenda: This is a special meeting called to hold a public hearing to consider objection to the proposed assessments for the 2018 Street and Utility Improvements.

Daren Sikkink, City Engineer explained the project areas, improvements, costs, schedule and appeal process per MN Statue 429.

Project Area One includes the original part of town: South Front ST SW from Madison to Franklin AVE SW, Fourth ST SW from Center to Madison AVE SW, Franklin AVE SW from the alley between 3 ST and 4 ST to 5 ST SW, Lafayette AVE SW from the alley between 3 ST and 4 ST to 5 ST SW. Some of the basics used in the previous two original plat improvement projects were: thirty two foot street width (back of curb to back of curb), B618 concrete curb and gutter (high back curb), 25% assessments on a per lot basis, double assessment for double lots, seventy foot wide street right-of-way, water mains and services replaced, replace sanitary sewer manholes as needed, replace and add storm sewer and very few new sidewalks. A few properties will only have water hook up to get the service lines out of the back yards and will be assessed accordingly. South Front Street SW will have a sidewalk on the south side. Some boulevard trees will be affected and some will be removed.

Project Area One bids came in over budget and the projected amount. Estimated cost is \$1,484,365. 25% of that would be assessed, divided by the number of lots is \$8,888.41 per typical lot. The cost of the water only is one fourth the cost; parcels with water service only improvements will have a \$2,222.10 assessment. Because the bids came in higher, the assessment amount was originally higher and the Council chose to remove the cost of engineering and bonding to reduce the assessment amounts. The City, as a whole, will pay for the engineering and bonding costs normally assessed. Because of the assessment reduction the City is paying closer to 81% of the project compared to the original planned 75%.

Assessment deferral options are available, they are based on age and there are specific requirements. If the assessment amount is not prepaid by the property owner it will be added to the property tax rolls payable over 15 years.

Project Area Two is 5 Street SW from Madison Avenue SW to Jefferson Avenue SW. New curb and gutter with storm sewer features will be installed only on the south side of 5 Street. The project bids

came in lower than the estimated cost. Project cost is \$134,881. 25% of that will be assessed, to six lots at \$5,620.04.

The proposed schedule is to have this required hearing tonight, based on the outcome the Council will award the construction contract at tonight's Council meeting. Construction will begin in June and be completed this fall. The second lift or wear course of the street blacktop will be applied in the spring of 2019. The 5th Street work will be required to be completed before Eyota Days. The work to be done near the Legion will be started after Eyota Days.

The assessment appeal process requires a written objection be submitted before or at this hearing. Within 30 days after the adoption of the assessment you may appeal to the district court after first serving a notice to the mayor or clerk. The Court decides the final assessment amount. The property owner is required to pay the court costs if they lose their appeal.

With the basic information of the project explained, the Mayor formally opened the public hearing at approximately 6:50 p.m.

Jake Groves 414 Franklin AVE SW: Questioned when and where did the request for construction bids go out.

Daren Sikkink: This is public job so bid requests were advertised in the Rochester Post Bulletin and on an online site accessible by contractors for the required minimum twenty-one days. Four bids were received, some local.

Groves: Confirmed with Sikkink then that this is a fresh bid, referring to the dollar amount.

Tyrel Clark: Each project was bid each year. (referring to the 2015 and 2016 projects)

Groves: How will this affect the property values and was there an independent appraisal done.

Sikkink: No, independent appraisals were not done, that is part of the next step in the appeal process. Appraisers for the city and property owners decide to agree or not and the courts decide.

Groves: Why were the assessments done by parcel, versus by linear foot?

Sikkink: Generally most lots in the three phases have been similar in size and the Council agreed that the water service provided is equal value no matter what the size. For the street improvement some lots are bigger and if double in size they would receive two times the assessment.

Groves: Questioned corner lots, their benefit and just one assessment.

Sikkink: The water service is only one benefit to the property and not based on the corner location versus just frontage.

Groves: Questioned how the city believes a corner lot does not receive more benefit because it has more curb, etc.

Clark: The improvement is not two times the benefit because of the corner. In the past projects corner lots were included in only one project so that they were assessed only once.

Bryan Cornell: First and second projects had different assessment amounts.

Clark: The Council made the decision that in these projects a corner lot does not receive double the benefit.

Groves: Questioned the fact our appraisal is going up but the value is only half of twice the amount of curb and gutter.

Clark: Referring again to corner lots, their streets are just as nice as other parcels. Corner lots are the last to sell in new developments, because folks don't want corner lots due to the traffic on two sides.

They don't receive twice the benefit. And this is exactly why the city decided to assess per parcel. That is my opinion and the Council can comment otherwise.

Cornell: I agree and I live on a corner lot.

Groves: Corners benefit because they don't have another neighbor not because of assessments.

Clark: Council decided unanimously to assess per parcel.

Ray Schuchard: His folks live in Rochester where there was a water and sewer improvement project and that was assessed per parcel and not by the lot footage.

Clark: The Council decided and agreed to assess per parcel through all three projects.

Pat Lovejoy 422 Lafayette AVE SW: Questioned the full assessment amounts (\$8,888) versus the water only assessment (\$2,222) and what if you don't have water or sewer in the street to be improved; because both water and sewer service comes off of 5th Street for his property. Sikkink and Lovejoy discussed which property Lovejoy was referring and where exactly are his services.

Sikkink: Explained that the Council has and could reduce the assessment by the water portion (\$2,222) if a new service is not being provided.

Schuchard: Commented that vice versa there is a property on Center AVE, not in the immediate project area that will be receiving a new water service down the boulevard of Center AVE and they will be assessed for the water portion of \$2,222.

Sikkink: Went on to explain that the sewer mains are in good shape and not being replaced. If a homeowner knows of issues with their service line this would be a good time to fix it and the service lines are the responsibility of the homeowner.

Lovejoy: Seeing that I don't have water or sewer in this project why am I involved at all and being assessed. There is a curb already on 5th Street and his parents paid for that through assessments along with the sidewalk. Doesn't that mean anything compared to folks on 4th Street and Franklin that have two improvements (both sides of corner lot).

Sikkink: We have come across this before and it comes back to the water service issue and the assessment can be reduced that amount; and issues with parcel on county roads.

Clark: The County maintains only the middle of county roads within a city and the city pays for the rest of the street, usually about the outside ten feet.

Lovejoy: My brother is in a wheelchair and how will access for him be made.

Sikkink: In the past we have tried to make arrangements for accessibility like temporary routes to access sidewalks. We try as much as we can to provide access.

Clark: Maybe plywood ramps could be provided.

Elizabeth Andrews 15 4 ST SW: On the power point it is noted interest will be 4.75% but the mailed notice said at least 4.75%, will it go up.

Clark: Typically the interest charged on the assessments is one percent higher than the bond interest charged to the city. We are approving the bonds tonight.

Marlis Knowlton: Clarified that the Council will be approving the bonds to go out to bid tonight, we will not know the interest amount yet. If the interest is higher the City can not increase the amount charged on the assessments without having another public hearing. If the interest is considerably lower we technically should have another public hearing but it is doubtful anyone would argue with a lower interest rate.

Andrews: For planning purposes, when will Center Avenue and 4th Street be worked on?

Sikkink: Probably in July, that area is in the middle of the project schedule and there is a little flexibility in phase two. The alley will be open and there will be access from one end or the other.

We did alleys one side and not the other on purpose in 2016 so there is always one way to get in or out, probably both ends for you.

Clark: Sometimes it looks like the contractors dig a hole and fill it, then dig a hole and fill it. It is different crews doing different jobs, like water versus sewer, etc.

Sikkink: They do dig many times, first sewer, then water, and then storm. It is normal road construction process.

Andrews: Will we be without water for extended amounts of time.

Sikkink: Contractor is required to provide water. They typically provide about a three inch blue temporary pipe that is attached to your outside faucet and the water runs backwards in the house.

Clark: Contractors are required to always supply water.

Sikkink: The water will taste like the normal water and it is safe to drink, bacteria testing is required. It may be warmer because the temporary pipes are above ground.

Betty Wall 322 5 ST SW: Asked that this section is starting in June, will there be access to the driveways every night, what about trash cans and things like that.

Sikkink: Explained that while the contractors are in the digging phase there will be access to the driveways every night. Concrete needs time to cure and usually you can not drive on it for 7 to 10 days. The contractors are required to notify the homeowners when the concrete is going to be poured so you have time to move things you may want to use like boats or campers. Normally we will try to allow other places for parking, like across the street or the park's parking lot. Garbage cans should be put out as normal, it is the contractors responsibility to move them if necessary. Please write your name and address on the containers to insure you get yours returned.

Wall: I have a cement driveway all the way to the street, will it be broke up or replaced.

Sikkink: Yes, we will saw cut and remove (at a current crack or joint) the end section and replace it.

Don Wehseler 419 Lafayette AVE SW: He sent an email to the City with concerns about the cost. Knowlton acknowledged receipt but the Council has not seen it prior to this evening. What is the Council's thought process on the double assessments. This is a crippling amount of money for a family raising kids. Please think long and hard about the assessment amount and work.

Clark: So is this email your appeal.

Sikkink: He has presented a written notice and can wait until the Council weighs in on his opinion. Then he has an avenue to take further action and to appeal. This is a written objection, but still has to tell the city if he is going to file, then has 10 days to file with the courts.

Wehseler: When will I know the Council's decision?

Knowlton: The Council decides tonight at their normal council meeting, starting at 8:00 p.m.

Wehseler: It was talked about at the first meeting, what was decided about the sidewalk between 4th and 5th Street, will it be a complete replacement and what will be the timing of work.

Sikkink: It will be completely replaced and it is in phase 4 which will be later, maybe September.

Greg Staloch 419 Franklin AVE SW: Will they replace sewer lines up to the property line.

Sikkink: Only if they hit it or damage it or it is in very poor condition. Staloch acknowledged he knows his is bad. So, they need to talk about it, generally some contractors will do the work for the homeowner (all the way to the house) but some are just too busy to take on additional work. Griffin will need to be contacted.

Clark: Requested if there are any other comments from anyone.

Mark Woodward representing the Church 27 4 ST SW: In the event of funerals and weddings how are we to handle those endeavors. And in previous year's projects it seemed like there were large delays throughout the project when the contractors were not working, can that be avoided.

Sikkink: Generally the church will have access off the north side along with other ways. But you need communication with us (WHKS) and the contractor so we avoid working on those days. Generally they don't work on weekends.

Woodward: I've postponed the weddings but you can't postpone funerals.

Sikkink: Tell us as soon as you can, within days, so we can try to get gravel access and try to be accommodating as possible. The construction schedule is based on the contract schedule. 5th Street they can't wait to start while other areas are more flexible. There are planned phases to the project. First they do the utility work and get a gravel base for the street done before moving on to another street/phase. They are to complete blocks or sections at a time and not blow up the entire project area at one time.

Woodward: Will they be sodding.

Sikkink: They are required to sod. It is a contentious issue because everyone sees it. The contractor is to rake it out and get rid of rocks and top soil will be brought in if there isn't enough dirt left and they will lay sod. We do ask property owners to give the new sod time to get established before mowing it. It may even be six inches tall before you should mow the first time.

Cornell: We know we had sod issues before and what happened and it was unfortunate.

Woodward: They just didn't sod.

Sikkink: That company is out of business.

Pat Lovejoy: Who is responsible for watering the sod?

Sikkink: Contractors are responsible but they don't always show up and can be delinquent coming back. City has asked residents to water and there will be a deduction in the billing.

Clark and Cornell: We will take the average of the last 4 months water use and waive the excess water used. But you must let the city know before you start watering.

Knowlton: It is key that you inform the city before you start watering.

Clark: We do suggest that you water.

Groves: How far into the property are you going with the water shut off. His shut off is half way up to the house into the driveway.

Sikkink: The driveway will be replaced in kind. We will bring the shut off back to the property line with a new pipe. If the shut off is in the yard, the sod will be replaced if needed; placed probably about three feet behind the curb and gutter. If there are trees in the way of a shut off in the boulevard, some trees will be removed. And disturbed sod will be replaced.

Clark: We will replace removed boulevard trees if yours is removed. Marlis has a list of approved boulevard trees.

Groves: What if there is an in ground sprinkler system. I have one within 3 feet of the road.

Sikkink: That's good to know. In the past we would ask for it to be marked. If it is in the boulevard would the city require it to be moved? What's the city policy?

Clark: We haven't had this issue before, it's the first time.

Sikkink: Irrigation companies know better but still put them in boulevards. We don't want to damage it. Other communities have required it to be marked and/or ask to have it moved or take it out and lay it back in. Council needs to decide if it should be removed.

Lovejoy: Our tree between the house and Lafayette is very close to the water line. What happens if they damage the roots and three years later there is trouble and the wind tips over the trees because there aren't any roots?

Sikkink: We are abandoning that old water main and coming in from a different area. But if a water service is near a tree we try to save the tree and be careful. But if it is too close the tree will need to go.

Clark: We will replace trees but not with the same size.

Sikkink: Old mains are abandoned, capped and left to rust away.

Groves: The temporary water, what if the outside access is not connected to the main supply.

Sikkink: They will have to dig down to get it connected to the service line. Noted, Groves has two meters.

Andrews: Will they be digging up again the water service put in not too long ago with her neighbor.

Sikkink: Your service comes in from the back and to Center Avenue. Lund's are next door. We will dig in the yards but probably in the side not back. Both those services come off of Center Avenue and we are trying to eliminate water in the County road, because it requires permits, etc. The new services will be in the front of Fourth Street. It will be re-sodded.

Wehseler: We have a couple smaller trees that aren't too old and if they aren't going to go back in it is ok with them, or maybe donate them for city use.

Knowlton: We looked into moving them but it won't work because they are too close to the main.

They will have to be removed. We do appreciate the offer and we did try to find ways to save them.

Sikkink: There are phone lines right there also that would cause issues.

Groves: It was confirmed that written objections need to be submitted now.

Adjourn: As long as there were no more questions Clark closed the public hearing and adjourned the meeting at 7:37 p.m.

Objection letters submitted:

See Exhibits B:

B.1 Don and Jill Wehseler,

B.2 Jacob Groves,

B.3 Patrick Lovejoy and Andrew Lovejoy



Tyrel Clark
Mayor



Marlis Knowlton
Clerk/Treasurer

Guest Sign In

Eyota 2018 Street & Utility Improvement Project
PUBLIC HEARING
May 10, 2018

Name: Please print. **Citizen -** Please list your address

PAT LOVEJOY FOR ANDREW LEES TURST	422 S. LAF.
Don Wehseles	419 Lafayette
Beth Wall	322 5th St SW
JAKE GROVES	414 FRANKLIN AVE SW
Bob Smith	415 LAFAYETTE
Elisabeth Andrews	15 W 4th
Jeff Peck	Eyota FUMC
Mark Woodward	Faith Church
Daren Sikkink	WHS
Casey McFarlen	Community Officer

Subject:

FW: Assessment notification

From: Jill Wehseler [<mailto:jadwehseler@gmail.com>]

Sent: Monday, May 07, 2018 11:47 AM

To: Eyota@cityofeyota.com

Subject: Assessment notification

Mayor Clark and whom it may concern,

In reviewing the Notice of Final Assessment letter, we do not agree with the judgement that we would be responsible for double of what everyone else is paying.

While we understand and appreciate the need for growth and the necessary improvements needed to sustain that growth, taxing us to the amount approaching \$18,000 is unbelievably crippling to a single family trying to raise children and maintain their own budget. How can this be? How can we expected to take on this burden?

When we were looking for homes a couple of years ago, Eyota felt like it would be a good place to be. It just felt right!! When we toured the home that we ended up buying, it felt like a good fit for our family. While doing research, we did find out about the impending assessments and in calling the city, were told that previous ones were about \$7,500-\$8,000.....decided that was reasonable. We were never told about possible "doubling"!! In hindsight, we wish we would have done more research into the city and would have never bought this home knowing what we know today. We use these streets and sidewalks as much as everyone else and the costs should be shared equally.....PER FAMILY!!

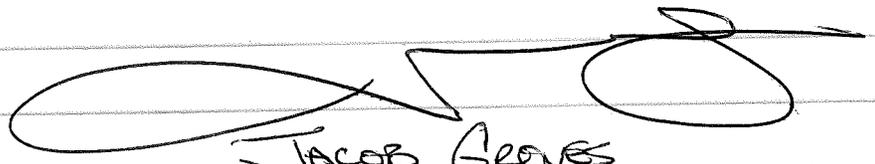
We hereby ask that the city take another look at our property and situation AND do what is right!

Please do not make us try to take on this burden because it will completely inhibit us from being able to maintain our budgets without having to take some dramatic financial steps.

Thank you for your time and consideration,

Don & Jill Wehseler

I, JACOB GROVES OF 414 S FRANKLIN AVE SYOTA
MN 55934 OBJECT TO THE PROPOSED PROPERTY
ASSESSMENT AS I DO NOT BELIEVE THE
PROJECT WILL NOT INCREASE THE VALUE OF
MY PROPERTY PROPORTIONAL TO THE ASSESSMENT.



JACOB GROVES
5/10/18

"Exhibit B.2"

PATRICK J. LOVEJOY
ANDREW LEE LOVEJOY 'TRUST'

I WOULD LIKE YOU TO LOOK
INTO DEFERRING THE COST.

ANDY DOES NOT MAKE MONEY TO PAY TAXES
AND I WILL BE RETIRING NEXT YEAR.

I - HOPE.

Pat Joy