

PUBLIC WORKS AGENDA  
CITY OF CROSSLAKE  
**TUESDAY** – SEPTEMBER 8, 2020  
4:00 P.M. – CITY HALL

1. Call to Order
2. Approve August 3, 2020 Meeting Minutes (Motion)
3. Bill Reed – Discuss Sewer Easement at Reed's Market
4. John Graupman – Biosolids Project
  - a. Letter dated September 1, 2020 from Bolton & Menk Re: Biosolids Update
5. Discuss Increase of Sewer Usage Charges (\$50/month currently)
6. Review Language in Current Assessment Policy Related to Roads and Need to Make Ordinance Amendment (see page 6)
7. Update from Phil Martin on Storm Sewer Project
8. Other Business as May Arise
9. Adjourn



Public Works Meeting Notes  
August 3, 2020

Members Present: Doug Vierzba, Dale Melberg, Mic Tchida, Marcia Volz, Tom Swenson,  
Others Present: Ted Strand, Mike Lyonais, Dave Nevin and Phil Martin and Gordy Wagner and Aaron Herzog via Zoom,  
Dave Reese from Widseth, Dave Schrupp

1. **Call to Order at 4 pm.**
2. **Approve June 1, 2020 Meeting Minutes.** *Motion by Tchida, second by Swenson, all in favor to approve the notes.*
3. **Update from Ted Strand on 2021 Capital outlay.** Ted started the discussion regarding the capital expenditures for the Public Works department. A listing of the items is below. Tom Swenson had some questions regarding the PW plan that Ted addresses during the discussion.
  - 1.0 Million for the Sewer Plant. The reason for these funds relates to the possible changes that may be imposed by the MPCA related to the disposal of sewer plant created sludge. Currently this is hauled to a facility in Pine River and deposited in reed beds which serve as the absorption area for the sludge. Once dried, the sludge is removed and land applied. Because the reeds in the bed are not native to Minnesota, Ted anticipates the MPCA may ban the use of same in the future. Nothing has been stated yet, but he anticipates it to happen. Ted explained that he is working with a company at no cost to the city, on a pilot project to look at another way to deal with Biosolids that the plant produces. It is a much scaled down project and the 1.2 million estimate comes from a review of projects this company has completed recently. The approach is to pump the biosolids into mesh bags, along with a thickening agent. The liquid drains from the bags and the biosolids remain and can be land applied at a later date. Some facts on Biosolids: Biosolids are the nutrient-rich organic materials resulting from the treatment of domestic sewage in a wastewater treatment facility (i.e., treated sewage sludge). Biosolids are a beneficial resource, containing essential plant nutrients and organic matter and are recycled as a fertilizer and soil amendment. Are biosolids safe? ... Because it is made from treated sewage, it's considered safe for use as fertilizer or land reclamation, and about 50% of all biosolids produced in the U.S. are being used as fertilizer, though only about 1% of cropland has biosolids applied. Ted explained we currently haul 70-75 tanker loads per year out of the plant and if this process would work, the loads would be reduced to 10 or so. The system would require more land, a heated building, an in floor drain system for the liquids and a staging area where a standard dump truck could be loaded for subsequent tipping in a local landfill. Ted explained that \$200k was allotted to the rebuilding of the clarifier system in the plant.
  - \$1.4 Million for sewer extension to intersection of #66 and #16 is in the budget but no direction at this time if this project is a go or not.
  - \$50K for lift station rehab

- \$100K for salt shed repairs. It should be noted the 2020 budget had 190K to cover the city's portion of the costs to rehab the Joint Maintenance Facility. These funds have not been spent as the County has said they will not be able to participate in these rehab costs this year.
- \$320K for various pieces of equipment, such as a new dump truck with plow, road patch trailer and some miscellaneous items.
- Cemetery Addition plotting for \$50K.

Dave Schrupp discussed the need to move ahead in 2021 with the upgrade to the Biosolids treatment system that was discussed. Ted did not know when or if the MPCA was going to make changes to the current process. Dave felt that all treatment systems in the state would be notified of the changes and time would be allowed for the updates to be completed.

4. **Update on Road Projects from Dave Reese on 2020 Road Projects and 2021 Capital Improvement Plan.** Ted explained that the City has been following a 5 year road plan which was included in the packet for discussion. The Road Plan costs included projects that were pushed out from 2020 due to costs, new Chip Sealing, new Overlays, new crack sealing for 2021. The total cost for roads is \$1,474,000. Dave Reese's July 31 email summarizes the projects and cost for 2021. Tom Swenson commented that he drove all the roads and he agrees with the Overlay projects but not the reconstruction due to the costs being 2x the cost of an overlay. He agreed that only Wild Wind Ranch Drive should be reconstructed, the others have a lot of cracks but the base is good. He wondered if overlays along with Chip Sealing could be used in the future to save a lot of money, even though we get stress fractures in the future. He stated he drove West shore drive and the off roads from same and saw that the aggregate was popping on some of the roads. He wondered if Chip sealing of these roads would buy us 10-15 years. He thought that most of the roads are very drivable and wanted to make sure we are doing the maintenance on the roads to stretch our budget. Dave Reese that overlays are about 1/3 the cost of reconstruction and would get you 10-15 years of additional life, maybe even more as long as they have good drainage. He said that Birch narrows dates back to 1986 and is starting to become misshapen. Tom Swenson wondered if an overlay depth could be changed to even a road. Dave Reese felt that a skim coat would most likely be added first and then the final overlay added. Tom felt that Birch Narrows was a local residential road without heavy traffic and wondered if we would be money ahead if we overlaid the road. Dave Reese felt that in this case, most of the cracks would come back and that reclaiming the roads sets you up for overlays down the road vs. reconstruction. Dave Schrupp stated he too drove the roads and felt that none of them were as bad as Wild Wind Ranch Drive and wondered if we could move them out a few years to save additional money. He also asked about chip sealing but Ted reminded him that chip sealing only works if you do it in the first couple of years after a road is laid and most of these roads are much too old to chip seal. Dave said that older roads are at risk of trapping moisture in the road when chip sealing is completed too late. Doug Vierzba stated that where he worked, the roads were chip sealed every 7 years until the point that the surface started to delaminate. Doug is familiar with roads as he inspected them where he worked for 35 years.

Ted stated that Kimball Road is a road that he has held off reconstruction to coordinate with a possible sewer installation. The local residents had expressed an interest in have city sewer installed but Ted stated he has not heard anything since the December meeting where it was discussed. Tom thought that we should contact the residents to see if they want to start a petition. Dave Schrupp felt that we must have the local sales tax option funding in place to do any more sewer extensions. He stated this as there are many residents that would never get city sewer to their homes or businesses and it wasn't right that those in this

category have to pay for the sewer extensions projects, hence the need to have Sales Tax Funding which was estimated at \$250k per year. The storm water sewer project was discussed and the grant for same. If the Sewer extension to #66 and #16 is not completed, we need to see if we can extend the grant funding, perhaps to 2024 when the county plans to reconstruct #66. Ted stated we have a lot of budget pieces that we need to make decisions on. Tom felt that the council is struggling on the Fire Hall and he did not see that all of the listed budget items in the Public Works plan would be funded. He felt we needed to prioritize the planned expenditures. Marcia asked what the MPCA has stated about sludge processing. Ted discussed the non-native reeds currently used and said that the state is rethinking the use of reeds. But no decision has been made to change the currently allowed processed. Marcia wondered if we can get something in writing from the MPCA; Ted said nothing has been forthcoming. Dave felt the MPCA would most likely provide some time to correct the sludge process after they have made a decision, 2-3 years or up to 5 per Ted. Dave felt it was not right to spend the 1.0 Million on a process change that has not been officially blessed by the MPCA. Mic felt that given the current environment is not good to be adopting budgets this high. Tom asked if we could get spending funding to handle some of the sewer enhancements. Phil stated that Crosslake is viewed as too wealthy and doesn't qualify for such funding. Dave Reese felt we could probably get cheaper funding on our own. Tom suggested that we might consider recommending some funding for some sort of study to deal with the Biosolids project to come up with detailed cost estimate and plan to implement such an enhancement. Ted said that he has worked through this with Phil Martin; John Graupman is working with the current vendor to provide guidance to Ted on the Biosolids project. The Bag System to deal with Biosolids is in use at other facilities in the country. Tom Swenson recommended we send the MPCA a letter to find out what they are planning to do about Biosolids to make them put their plans in writing. Dave said that the commission and the council need to understand exactly what we need to do regarding the Biosolids project. Ted will see that John Graupman attend the next meeting to educate all on the pending changes. Dave Nevin felt that our financial plate is overflowing right now and we need to pay attention to the Biosolids project but wait until we get some notice from the State. Tom asked about the \$50k for the cemetery irrigation. Ted stated the spreadsheet was labeled incorrectly and it is for plotting of the rest of the cemetery. The concern is that the first half of plots in the cemetery need to approach being full before we spend the money on the second half.

Tom asked if Doug or Ted is looking for a recommendation for the upcoming budget meetings. Ted stated he has heard the concerns of the commission and will move forward with the commission comments.

Below find the 7/31/2020 Email Update from Dave Reese regarding 2020 Road Projects:

***Water Quality Project – Manhattan Point Boulevard and CSAH 66***

- *DeChantal Excavating installed the three precast hydrodynamic separator structures by crane on July 29th.*
- *Storm piping and pond excavation will continue into August.*
- *The Substantial Completion date is 7/31/20; the contractor requested a time extension to August 31, 2020 due to difficulties with dewatering the pond area; the extension was granted by City Council on 7/30/20.*
- *A partial payment estimate will be submitted for the 8/10/20 City Council meeting.*

***Daggett Bay Road Sanitary Sewer Extension***

- *Sanitary sewer televising has been completed and showed no issues; a copy of the report and video has been provided to the Public Works Department for its records.*

- A Final Payment Application and punch list was submitted to RL Larson on July 1<sup>st</sup> with a follow-up on July 28<sup>th</sup>.
- A schedule for completion of punch list items and submittal of close-out documentation was requested from RL Larson Excavating on July 28<sup>th</sup>.
- Punch list items include turf establishment, removal of silt fencing, filling of dewatering point bore holes and submittal of standard documents required for project close-out.

#### **Perkins Road Improvements**

- Concrete roadway construction is nearly completed on the west end. A temporary road closure for this construction area was re-opened on July 29<sup>th</sup>.
- The roadway segment from Cherry Lane to the Corps property is nearly ready for finish grading and paving. The trail will be paved when the wear course is completed on the roadway.
- Driveway approaches and culverts have been installed. Residents will have from August 7<sup>th</sup> to September 18<sup>th</sup> to extend their driveways to the new roadway. Obliteration of the old roadway, topsoiling and seeding will follow September 18<sup>th</sup>.
- Road and trail grading work is proceeding on the eastern portion of the roadway. This will be followed by installation of aggregate base and topsoil.
- Paving of the roadway base bituminous course is currently scheduled for mid-to-late week next week pending weather conditions and the paving contractor's schedule.
- Borden Excavating is waiting on foundry manufactured materials to arrive to complete drainage systems; these materials were ordered in May but have reportedly been delayed due to COVID restrictions at the factory.
- A partial payment estimate will be submitted for the 8/10/20 City Council meeting.

#### **Crack Sealing**

- 2020 crack sealing has been completed.

#### **Seal Coating**

- 2020 seal coating has been completed.

#### **Capital Improvement Plan Update**

- The CIP updates have been drafted and the following work is recommended for 2021:
  - Crack Sealing - \$40,000
  - Chip Sealing - \$18,000 (Perkins Road and Daggett Bay Road)
  - Overlay Projects - \$419,000 (Whitefish Avenue, Hilltop Drive, Woodland Avenue, Cool Haven Lane) These projects were scheduled for 2020 but were cancelled.
  - Reconstruction Projects - \$997,000 (Wild Wind Ranch Drive, Rushmoor Boulevard, Harbor Lane N-S Segment, Birch Narrows Road) Wild Wind Ranch Drive was cancelled for 2020.
- We recommend the paving projects be consolidated into one contract bid to obtain competitive pricing for 2021. End of Reese Update.

5. **Quotes to fix/repair washouts on South Landing and Whitefish Avenue (will be distributed on Monday).**  
Ted stated we are waiting on quotes to make repairs to the road surfaces at these two locations. Repairs will be concrete and not blacktop. Mic asked that we look at temporary fixes to avoid accidents in these areas to avoid more washouts. Quotes will be brought to the council meeting.
6. **Update from Phil Martin on Sanitary Sewer Improvements.** See Phil Martin email of July 31. He stated the following: *We have been working on integrating storm water quality improvements with the sanitary sewer improvements along CSAH 66. We have identified existing storm sewer segments that will be impacted during the sanitary sewer installation. These segments will need to be salvaged and replaced or outright replaced. We plan to discuss the impacts with the city next week and then discuss with the county their preference for handling*

7. **Council Discussion on Brita Lane (information).** Ted discussed the request to upgrade Brita Lane that was made at the July council meeting.
8. **Other Business as may arise-** Borden Excavating has asked for an extension on Perkins road of 3 weeks, from August 7<sup>th</sup>. Due to late arrival of materials to complete the road; foundry delays due to COVID and paving contractors schedule delays due to rain. Dave felt it was a reasonable request to grant. **Motion by Melberg, Second by Swenson to recommend to the council to allow the 3 week extension.**
9. Adjourned at 5:15

Notes by Dave Schrupp



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VIA EMAIL

September 1, 2020

Ted Strand  
City of Crosslake  
37028 County Rd. 66  
Crosslake, MN 56442-2528  
[publicwk@crosslake.net](mailto:publicwk@crosslake.net)

RE: Biosolids Update  
City of Crosslake, Minnesota  
Project No. M25.119925

Dear Ted:

This letter is a summary of the biosolids planning considerations and impacts to the City of Crosslake regarding its biosolids treatment and disposal options and potential improvements.

The City of Crosslake currently utilizes a heated biosolids digestion process in its underground tanks. These tanks provide both treatment and storage of liquid biosolids (typically two percent solids). The City is currently disposing of solids by hauling the biosolids multiple times per year to a facility in Pine River that utilizes a reed bed treatment process. The current arrangement has worked well but is facing growing obstacles. The storage volume requires more frequent hauling and creates problems with winter storage limitations as the Pine River Facility is also not able to process in the winter. Second and more importantly, the reeds used in the natural treatment process have recently been classified as noxious weeds. This results in much more expensive disposal since the reeds can only be landfilled and have transportation limitations. The process is not officially banned but is essentially being regulated into obsolescence with the noxious weed classification of the reeds (see attached Department of Ag memo.)

The city does not have a long-term contract with Pine River; therefore, as the Pine River Facility nears reaching its design life in conjunction with the reed treatment process limitations, it is prudent to plan for future disposal options.

Note the other community within a reasonable drive distance, Brainerd, is limited on biosolids capacity and is beginning the same process of reviewing biosolids improvements; therefore, they are not a candidate for regional treatment at this time, and their future ability is unknown.

Biosolids processing and disposal is often based on the concept of handling a liquid product or dewatering to a cake product (15-20 percent solids) with a consistency similar to topsoil. Liquid biosolids are directly land applied for final disposal, while dewatered solids can be either land applied or disposed of in a landfill. We have performed a preliminary review of alternatives for both liquid and dewatered solids with City staff including:

- Additional liquid storage tanks with land application;
- Construct drying beds for dewatered cake;
- Construct biosolids dewatering tower for dewatered cake.

### **Option 1 – Additional Storage Tanks**

Liquid storage and land application of solids is a common method of handling biosolids, particularly in the agricultural areas of the state. Land application sites need to be permitted which pass a public notice period. Sites must meet a set of criteria for soil type, ground slope, setbacks, etc. to ensure no runoff and nuisance issues. Permitting sites has become a growing issue for communities based both on limited land meeting the criteria and public resistance to municipal biosolids application.

Recommended storage volume is 365 days to allow fall application. Spring application is increasingly difficult due to road restrictions adding hauling costs, soil compaction concerns and changing farming practices limiting available time. It is also preferable to have sites near the wastewater treatment plant (WWTP) to limit hauling time and costs.

The City of Crosslake is located in an area with limited agricultural land, which makes land application a challenge both logistically and with public perception. For this reason, many communities in similar geographic regions have been moving away from liquid biosolids disposal.

### **Option 2 – Construct Drying Beds**

Drying beds have a sand base that allow the clear liquid in biosolids to drain to a pump station while capturing the solids, allowing them to air dry naturally. These are of a similar style to reed beds but do not utilize reeds, and also require removal of biosolids multiple times a year. Drying beds are limited in operation during winter months, requiring the beds to be sized large enough to treat all the solids in the summer months. The large area needed for this is a challenge for the city. The WWTP does not currently have adequate space for construction of this alternative.

Once dewatered, the hauling volume is decreased by 90 percent, saving substantial costs. Final disposal can be either land application or landfill cover. Landfill cover is an effective option as it is not tied to seasonal farming practices but can be performed year round.

Drying beds would increase staff time to operate the beds, while decreasing hauling time and cost associated with handling liquid solids; however, given the lack of available land, this is not considered a viable alternative.

### **Option 3 – Construct Biosolids Dewatering Tower**

This alternative would utilize a filter bag hung in a tower, allowing biosolids to dewater similar to the drying beds, but constructed within a small building to allow winter operation. The technology is essentially a hybrid of the natural drying beds and more complicated mechanical dewatering methods used by larger municipalities.

The final product (again with 90 percent volume reduction) would be targeted as landfill cover, although land application is an option.

This option will fit within the existing WWTP land area. The process can be pilot tested with smaller sample bags provided by the vendor at no cost. Staff is in the process of pilot testing this to confirm viability of the City's biosolids with this process.

Pending positive pilot testing, this option is the most viable and requires the least infrastructure improvements.

While all alternatives could be viable, the current preferred alternative is the biosolids dewatering tower. This is anticipated to be one of the lower cost alternatives, requires the least property area, and provides a high degree of operational flexibility.



The components of the final project are anticipated to include:

- Dewatering tower;
- Drain lift station;
- Feed pump station;
- Polymer feed system;
- Chemical building;
- Site layout and drainage;
- Road access for trucks;
- Electrical and SCADA upgrades.

City staff is being proactive in positioning the City to achieve independence and control of its biosolids processing and disposal prior to it becoming an emergency. We would recommend continuing with planning and design to get "shovel ready". Construction is projected for 2021, but can be delayed short-term as long as Pine River has capacity.

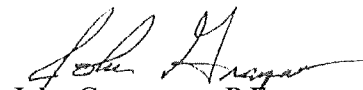
A full schedule is as follows:

- |                            |                            |
|----------------------------|----------------------------|
| • City Approval            | September/October 2020     |
| • Piloting                 | In-Process                 |
| • Design Improvements      | November 2020-January 2021 |
| • Bid Improvements         | February-March 2021        |
| • Construction (tentative) | May-December 2021          |

We appreciate this opportunity to assist the City of Crosslake with the identified WWTP improvements. If you or the Council should have any questions, please feel free to contact us at (507) 380-0433.

Sincerely,

**Bolton & Menk, Inc.**



**John Graupman, P.E.**  
Principal Environmental Engineer

JG:bj

cc: Phil Martin – Bolton & Menk, Inc.

Enclosure:

- MN Dept. of Ag Permit Conditions/Best Management Practices for Land Application of Biosolids with Non-Native Phragmites

# Minnesota Department of Agriculture

## Permit conditions/best management practices for land application of biosolids with non-native *Phragmites*

### Issue

Biosolids from wastewater treatment facilities that use non-native *Phragmites australis* ssp. *australis* may contain propagating parts including rhizomes and seeds. Non-native *Phragmites* is a restricted noxious weed, which means that the transport of their propagating parts on public roads is prohibited under the Minnesota Noxious Weed Law (Minnesota Statute 18.82). The Minnesota Department of Agriculture (MDA) or a County Agricultural Inspector (CAI) can issue permits for the transport of non-native *Phragmites* propagating parts. The goal of the permits is to prevent non-native *Phragmites* from being introduced to new locations. The MDA or a CAI can include permit conditions to minimize the likelihood of establishment of non-native *Phragmites* when the biosolids are land applied.

### Permit conditions/ best management practices

- When biosolids are transferred from the reed bed site to the land application site, the biosolids should be covered and sealed or otherwise sufficiently determined to be contained by the County Agricultural Inspector. Biosolids must be contained so that no non-native *Phragmites* propagating parts can escape during transport. Transport vehicles must be inspected prior to leaving the reed bed site to ensure that no non-native *Phragmites* is on the exterior of the vehicles where it could be spread via transport on public roads.
- Follow Minnesota Pollution Control Agency (MPCA) guidelines for the minimum distance away from a waterbody that the biosolids can be applied (MN R. 7041.1200, Management Practices and Limitation, Subp. 3, Item B.). Non-native *Phragmites* grows in wet areas and it is important to prevent the seeds, rhizomes, and stem fragments from reaching wet areas. To the extent possible, fields should be chosen that are not prone to having standing water.
- Apply the biosolids to a crop field that is or will be tilled and will be treated with herbicides that would kill non-native *Phragmites* that may begin to grow, such as “Roundup Ready” plantings that will be treated with glyphosate. To the best of the permittee’s ability, the land should be maintained in row crops for three years.
- The permittee will scout the area where the biosolids were applied and surrounding areas for non-native *Phragmites*. During the year of land application, search monthly until snow cover and, in subsequent years, annually in August for three years after that. Keep records of the dates and findings of the scouting events and keep the records for at least five years. If any non-native *Phragmites* plants are found growing on the site or adjacent to the land application site, efforts to eradicate populations using approved legal methods should be taken immediately. The MPCA, MDA and/or the CAI should be notified so that future permit issuance can be reevaluated for sites where non-native *Phragmites* has established due to biosolid application.
- The permittee will secure permission from the landowner to allow researchers and state agency staff to visit the site to collect data to improve the land application best management practices to prevent the spread of non-native *Phragmites*.

**SEWER USAGE RATE HISTORY**

2004 \$30/month

2008 \$33/month

2010 \$36/month

2013 \$37/month

2016 \$45/month

2018 \$48/month

2019 \$50/month

6.

## ARTICLE IV. - ROADWAY ASSESSMENTS

### DIVISION 1. - GENERAL

#### Sec. 42-88. - Purpose.

The purpose of this policy is to establish a fair and equitable manner of assessing the increase in market value (special benefit) associated with public improvements and maintenance. The procedures used by the city for levying special assessments are those specified by M.S.A. ch. 429 which provides that all or a part of the cost of improvements may be assessed against benefiting properties.

Three basic criteria must be satisfied before a particular parcel can be assessed. The criteria are as follows:

- (1) The land must have received special benefit from the improvement.
- (2) The amount of the assessment must not exceed the special benefit.
- (3) The assessment must be uniform in relation to the same class of property within the assessment area.

It is important to recognize that the actual cost of extending an improvement past a particular parcel is not the controlling factor in determining the amount to be assessed. However, in most cases the method for assigning the value of the benefit received by the improvement, and therefore the amount to be assessed, shall be the cost of providing the improvement. This shall be true provided the cost does not demonstrably exceed the increase in the market value of the property being assessed. The entire project shall be considered as a whole for the purpose of calculating and computing an assessment rate. The city council may hire a professional appraiser to help determine an assessment rate for a particular public improvement project so that the assessment rate does not exceed the "market value benefit" to any parcels to be assessed.

The assessment policy is intended to serve as a guide for a systematic assessment process in the city. There may be exceptions to the process or unique circumstances or situations which may require special consideration and discretion by city staff and the city council.

(Ord. No. 358, 8-12-2019)

**Editor's note**— Ord. No. 358, adopted Aug. 12, 2019, amended § 42-88 in its entirety to read as herein set out. Former § 42-88 pertained to definitions and derived from Ord. No. 94, § 2(10.9), adopted Feb. 9, 1998.

#### Sec. 42-89. - Improvements and maintenance costs eligible for special assessment.

The following public improvements and related acquisition, construction, extension, maintenance and repair of such improvements, authorized by M.S.A. §§ 429.021 and 459.14, subd. 7, are eligible for special assessment within the city:

- (1) Streets, sidewalks, trails, pavements, traffic controls, signs, and striping, mailbox supports, bridges, curbs and gutters, including the beautification thereof.
- (2) Parking lots.
- (3) Sanitary sewer and storm sewer systems, including appurtenances, within the corporate limits.
- (4) Street lights, street lighting systems and special lighting systems.
- (5) Retaining walls and area walls.

- (6) Temporary roadways and accesses necessary to maintain traffic in conjunction with an improvement project.
- (7) Snow, ice, sediment or rubbish removal from streets and sidewalks.
- (8) Weed elimination from streets or private property.
- (9) The trimming and care of trees and the removal of unsound trees from any street.
- (10) The treatment and removal of insect infested or diseased trees on private property.
- (11) The installation and maintenance of trees, arborvitae, public fountains, community signage, and other landscaping and beautification improvements.

(Ord. No. 358, 8-12-2019)

**Editor's note**— Ord. No. 358, adopted Aug. 12, 2019, amended § 42-89 in its entirety to read as herein set out. Former § 42-89 pertained to compliance with article and state law required, and derived from Ord. No. 94, § 2(10.1), adopted Feb. 9, 1998.

Sec. 42-90. - Initiation of an improvement project.

Public improvement projects can be initiated in the following ways:

- (1) Public improvements projects may be initiated by petition of owners of at least 35 percent in frontage of the property abutting the proposed improvement. A three-fifths majority vote of the city council is required to commence the project.
- (2) Public improvements also may be initiated by the city council when, in its judgment, such action is required. A four-fifths majority vote of the council is required to initiate the proceedings.
- (3) If 100 percent of the affected landowners sign the petition requesting the improvements, then the city may omit the feasibility study and preliminary public hearing as required in M.S.A. ch. 429.
- (4) The cost of a feasibility study shall be included in the final assessment of the project. If a project is not ordered, then the cost of a feasibility study will be paid by the city.

(Ord. No. 94, § 2(10.2), 2-9-1998; Ord. No. 358, 8-12-2019)

Sec. 42-91. - Criteria for improvement and acceptance of private roads.

The criteria for improvement and acceptance of private roads are as follows:

- (1) Receipt of a petition signed by property owners representing at least 35 percent of the front footage adjacent to the road proposed to be improved;
- (2) All costs associated with obtaining adequate right-of-way either through the voluntary conveyance of right-of-way through a deed to the city or involuntarily through eminent domain shall be considered a project expense for assessment purposes; and
- (3) If the city adopts a resolution ordering the project to proceed, the road shall be constructed to city road and drainage standards with 100 percent of the project cost assessed to the benefiting property owners.

All affected property owners shall sign a "waiver of irregularity and appeal" and agree to be assessed for all costs. If not, then the city will hire the city's appraiser to determine benefit to proceed or will decide not to proceed.

(Ord. No. 185, § 2(10.2.1), 11-19-2003; Ord. No. 358, 8-12-2019)

Sec. 42-92. - Public improvement procedure.

The city will generally follow one of the following methods for public improvement projects:

- (1) Based on a fixed assessment rate method established using a benefit opinion from a professional appraiser; or
- (2) Based on the actual final project cost method.

The following steps are provided as a guide for the city council for each of the above methods:

(a) *Fixed assessment rate method.*

- (1) Staff reviews petition, developer's or staff's request for submission to council.
- (2) Council accepts or rejects petition or request. If based upon a petition, the council adopts a resolution declaring whether the required percentage of property owners has signed. If the petition or request is accepted, council adopts a resolution ordering preparation of a feasibility report which shall include the preparation of a letter report from a professional appraiser, providing a market value benefit opinion, or range of values, that may be applied to the properties proposed to be assessed.
- (3) Staff works with the city's engineer to prepare the feasibility report. The report shall provide a preliminary evaluation as to whether the proposed improvement is necessary, cost-effective, and feasible and whether it should be made as proposed or in conjunction with another project. The report shall include the total estimated cost of the improvement, including what share would be assessed and what share would be paid by the city or other funding sources. The report shall include a preliminary estimate of the proposed assessments to benefited properties and may include a "mock" assessment roll showing the proposed cost to each benefitted property. The area of benefit and listing (or legal description) of parcels to be assessed should be included for use in the publication of the public hearing notice.
- (4) Council accepts or rejects the feasibility report or requests additional study if deemed necessary. If rejected, no further action is taken.
- (5) If the council accepts the feasibility report, the council adopts a resolution accepting the report and orders a preliminary improvement (public) hearing on the improvements. The council, at its discretion, may also adopt a resolution at this stage ordering preparation of the assessment roll and scheduling of an assessment hearing following the preliminary improvement (public) hearing. These public hearings would be held prior to preparation of plans and specifications and prior to construction.
- (6) Staff posts and publishes the hearing notice(s) and mails notices to affected property owners as provided in M.S.A. §§ 429.031(a) and 429.061.
- (7) Council conducts public hearing(s). Property owners may choose to appeal the proposed assessment. Appeals must be presented to the city in writing at the time of the assessment hearing or before the assessment hearing. Property owners must file their appeal in district court within 30 days of the assessment hearing date, per M.S.A. § 429.081.
- (8) Within six months of the preliminary improvement hearing date, council adopts or rejects a resolution ordering improvement to be constructed and authorizes preparation of plans and specifications. If the resolution is adopted, the city's engineer prepares final plans.
- (9) The city council adopts a resolution approving plans/specs and ordering advertisement for bids.
- (10) Bids are received and opened by city staff and engineer. The engineer prepares a bid tabulation and makes a recommendation to the city council to adopt a resolution for

awarding a construction contract. At this time, the city council would adopt a resolution certifying the amount to be assessed and adopting the assessment roll. Bonds to finance project costs may be issued at any time before or after the improvements are ordered; however, if bonds are issued before the improvements are ordered, the city assumes the risk and cost of returning the bonds if the project is not ordered.

- (11) Staff and/or engineer observes construction for conformance with the approved plans and specifications, and reviews payment requests.
  - (12) Staff certifies the assessment roll to the county auditor prior to November 15th, so the assessment is included with the property tax statement the following year.
- (b) *Final project cost method.*
- (1) Staff reviews petition, developer's or staff's request for submission to council.
  - (2) Council accepts or rejects petition or request. If based upon a petition, the council adopts a resolution declaring whether the required percentage of property owners has signed. If the petition or request is accepted, council adopts a resolution ordering preparation of a feasibility report.
  - (3) Staff works with the city's engineer to prepare the feasibility report. The report shall provide a preliminary evaluation as to whether the proposed improvement is necessary, cost-effective, and feasible and whether it should be made as proposed or in conjunction with another project. The report shall include the total estimated cost of the improvement, including what share would be assessed and what share would be paid by the city or other funding sources. The report shall include a preliminary estimate of the proposed assessments to benefitted properties and may include a "mock" assessment roll showing the proposed cost to each benefitted property. The area of benefit and listing (or legal description) of parcels to be assessed should be included for use in the publication of the public hearing notice.
  - (4) Council accepts or rejects the feasibility report or requests additional study if deemed necessary. If rejected, no further action is taken.
  - (5) If the council accepts the feasibility report, the council adopts a resolution accepting the report and orders a preliminary improvement (public) hearing on the improvements.
  - (6) Staff posts and publishes the hearing notice and mails notices to affected property owners as provided in M.S.A. § 429.031(a).
  - (7) Council conducts public hearing.
  - (8) Within six months of the preliminary improvement hearing date, council adopts or rejects a resolution ordering improvement to be constructed and authorizes preparation of plans and specifications. If the resolution is adopted, the city's engineer prepares final plans.
  - (9) Council adopts a resolution approving plans and ordering advertisement for bids.
  - (10) Bids are received and opened by city staff and engineer. The engineer prepares a bid tabulation and makes a recommendation to the city council to adopt a resolution awarding a contract. Bonds to finance project costs may be issued at any time before or after the improvements are ordered; however, if bonds are issued before the improvements are ordered, the city assumes the risk and cost of returning the bonds if the project is not ordered.
  - (11) Staff and/or engineer observes construction for conformance with the approved plans and specifications, and reviews payment requests.
  - (12) When construction is completed, contractor's final payment approved, and final project costs are determined, the city council adopts a resolution declaring costs to be assessed and ordering preparation of the assessment roll. Council adopts a resolution setting the assessment hearing date.

- (13) Staff publishes the assessment hearing notice, mails notice of hearing date and proposed assessments to the affected property owners as provided in M.S.A. § 429.061.
- (14) Council conducts the public assessment hearing. Property owners may choose to appeal the proposed assessment. Appeals must be presented to the city in writing at the time of the assessment hearing or before the assessment hearing. Property owners must file their appeal in district court within 30 days of the assessment hearing, per M.S.A. § 429.081. Council may revise the assessment roll and then adopt a resolution certifying the amount to be assessed and adopting the assessment roll. Property owners have 30 days to pay the assessment with no interest charges. City staff certifies the assessment to the county auditor prior to November 15th so that the assessment is included with the property tax statement the following year.

(Ord. No. 358, 8-12-2019)

**Editor's note**— Ord. No. 358, adopted Aug. 12, 2019, amended § 42-92 in its entirety to read as herein set out. Former § 42-92 pertained to determination of properties to be assessed, and derived from Ord. No. 94, § 2(10.3), adopted Feb. 9, 1998.

Sec. 42-93. - General assessment policies applicable to all types of improvements.

The cost of any improvement shall be assessed upon property by the improvements based upon benefits received. The city may consider the benefit opinion provided by an appraiser on the range of market value increase (benefit) of a public improvement. The following general principles shall be used as a basis of the city's assessment policy:

- (1) *Project cost.* The "project cost" of an improvement includes the costs of all necessary construction work required to accomplish the improvements, plus engineering, legal, administrative, financing and other contingent costs, including acquisition of right-of-way and other property. The finance charges include all costs of financing the project. These costs include but are not limited to financial consultant's fees, bond rating agency fee, bond attorney's fees, and capitalized interest. The interest charged to the project shall be included as financing charges.
- (2) *City cost.* The "city cost" of an improvement is the amount of the total improvement expense the city will pay as determined by council resolution. Where the project cost of an improvement is not entirely attributed to the need for service to the area served by said improvement, or where unusual conditions beyond the control of the owners of the property in the area served by the improvement would result in an inequitable distribution of special assessments, or for any other reason determined by the city, the city, through the use of other funds, may pay such "city cost."
- (3) *Assessable cost.* The "assessable cost" of an improvement is equal to the "project cost" minus the "city cost."
- (4) *Interest.* The city will charge interest on special assessments at a rate specified in the resolution approving the assessment roll. If bonds were sold to finance the improvement project, the interest rate shall be two percent more than the average interest rate of the bonds, rounded to the nearest quarter of a percent. If no bonds were sold, the interest rate shall be set at the same rate.
- (5) *Prepayment.* Property owners may pay their assessments in full (interest free) for a period of 30 days after the adoption of the assessment roll. After such period, interest shall be computed from the date specified in the assessment resolution. The city will transmit a certified duplicate of the assessment roll with each installment, including interest, to the county auditor.
- (6) *Project assistance.* If the city receives financial assistance from the federal government, the State of Minnesota, the county, or from any other source to defray a portion of the costs of a



given improvement, such aid will be used first to reduce the "city cost" of the improvement. If the financial assistance is greater than the "city cost," the remainder of the aid will be placed in the capital improvement fund to be applied towards other city projects.

- (7) *Assessable property.* Property owned by the city including municipal building sites, parks and playgrounds, but not including public streets, alleys, and right-of-way, shall be regarded as being assessable on the same basis as if such property was privately owned. Private right-of-way shall be assessable. Federal, state, and county owned properties are not considered assessable.

(Ord. No. 358, 8-12-2019)

**Editor's note**— Ord. No. 358, adopted Aug. 12, 2019, amended § 42-93 in its entirety to read as herein set out. Former § 42-93 pertained to schedule of public meetings for certification of assessments, and derived from Ord. No. 94, § 2(10.4), adopted Feb. 9, 1998.

Sec. 42-94. - Policies of reassessment.

The city shall design public improvements to last for a definite period. The life expectancy or service life shall be as stated in the policy statement of this section, or if different, shall be as stated in the resolution ordering improvement and preparation of plans.

Policy Statement

The following are the "life expectancies" or "service lives" of public improvements except as may be otherwise stated in the resolution ordering improvement and preparation of plans.

- (1) Sidewalks—20 years.
- (2) Street improvements, including surfacing and curb and gutter—20 years.
- (3) Ornamental street lighting—20 years.
- (4) Sanitary sewers—30 years.
- (5) Storm sewers—30 years.

(Ord. No. 358, 8-12-2019)

**Editor's note**— Ord. No. 358, adopted Aug. 12, 2019, amended § 42-94 in its entirety to read as herein set out. Former § 42-94 pertained to costs to be assessed, and derived from Ord. No. 94, § 2(10.5), adopted Feb. 9, 1998; ; Ord. No. 114, § 2(10.5), adopted Oct. 13, 1999; and Ord. No. 259, § 1(10.5), adopted July 14, 2008.

Sec. 42-95. - Assessment computations.

The following is the typical city assessment for various specified improvements:

- (a) *Street, bridge, trail, and curb and gutter improvements.*
- (1) *New construction.* New streets are assessed 100 percent to the abutting benefited properties.
  - (2) *Currently maintained bituminous roads.* Street reconstructions and overlays are assessed based on the benefit as determined by the city council based on the city's appraiser determination.

- (3) *Non-currently maintained roads.* Costs of all improvements, including wetland mitigation, property or easement acquisition, drainage, erosion control measures, widening, clearing, reconstruction, grading, graveling, and paving will be assessed with 100 percent of the cost assessed to benefiting property owners.
- (4) *Gravel streets.* Upgrading of existing gravel street by adding pavement, is considered new construction and all costs are assessed 100 percent unless the properties do not benefit at that rate. Rates would be determined based on a letter report from a professional appraiser hired by the city.
- 5. *Currently maintained bridges.* Routine maintenance including inspections, painting, tightening bolts and minor repairs to decking, railings or pilings will be paid by the city. Replacement of a bridge, enhancement, expansions, or major repairs including replacement of components of an existing bridge, including all associated costs, will be special assessed with the city assuming some of the cost, and some cost special assessed to benefiting property owners based on a rate determined by the city council based on a letter report from a professional appraiser hired by the city.
- (6) *Seal coats.* Seal coats are not being assessed.
- (7) *Trails.* Bituminous walkways and/or bicycle trails are not assessed, but rather funded by the city.
- (b) *Storm sewer improvements.* Storm sewers are assessed on a project-by-project basis, based on a letter report from an appraiser on the range of market value of an improvement to the city. Storm sewers in new subdivisions are considered an assessable improvement on an area basis.

Oversizing costs due to larger mains and larger appurtenances are paid for by a combination of availability charges, user charges and/or trunk area assessment charges. Trunk area storm sewer charges are levied to all unplatted property at the time of platting, to re-plats that have not been charged trunk area charges when the land was originally platted, and to re-plats that have been charged trunk area charges when the land was originally platted but where the use is increasing (only the cost difference based on current and prior use is charged).

Normally, storm sewers are assessed on an area wide basis (square foot or acres), but in certain situations the per lot method or adjusted front method may be utilized at the city council's discretion.

The replacement of existing storm sewers is assessed based on benefit value as determined by the city council based on a letter report from a professional appraiser hired by the city.

- (c) *Sanitary sewer improvements.* Pursuant to the statute, the city intends to use special assessments, at their discretion, to finance all or portions of the cost of sanitary sewer identified in the statute. Generally, maintenance of sanitary sewer is accounted for with utility funding. Significant improvements to the system, however, may require special assessments to benefiting properties. In all cases, the city reserves the right to combine components of sanitary sewer into one or more calculation, assess for the entire cost of projects, participate at any level in the costs of improvements, or to assess costs using existing rate schedules or benefit opinion as determined by a professional appraiser. Components of sanitary sewer improvements include, but are not limited to:
  - (1) *Sanitary sewer access charge (SAC).* SAC charges identified on existing rate schedules are generally applied at the time building permits are applied for or when service is brought to a property for the first time. The city reserves the right to assess for SAC charges.
  - (2) The city generally pays the costs to oversize trunk lines (over eight inches in diameter for low to moderate-density residential areas or over ten inches diameter for commercial/industrial/high-density residential areas). Remaining costs are generally assessed to benefiting properties. Costs for replacement of trunk improvements are

generally included in monthly utility fees and are paid by the city. The city reserves the right to assess for construction or reconstruction of trunk lines.

Costs for new standard size mains are generally assessed to benefiting properties. Costs for replacement of mains are generally included in monthly utility fees and are paid by the city. The city reserves the right to assess for mains.

Costs for new service laterals are generally assessed to benefiting properties. Costs generally include all related appurtenances and restoration, including any work done outside the right-of-way. Assessments will generally be made on a per unit basis or be assessed using existing rate schedules.

- (d) *Other improvements.* Based on the city council determination, any other improvements may be fully assessed or assessed in part.

(Ord. No. 358, 8-12-2019)

**Editor's note**— Ord. No. 358, adopted Aug. 12, 2019, amended § 42-95 in its entirety to read as herein set out. Former § 42-95 pertained to assessment period, and derived from Ord. No. 94, § 2(10.6), adopted Feb. 9, 1998.

Sec. 42-96. - Interest rate.

The applicable interest rate will be set by the city council and will normally be prorated interest at a minimum annual rate of one percent above the net effective interest rate the city pays for financing of improvement bonds for the project at the date of bond sale. No interest will be charged if the entire amount of the assessment to an individual property is paid within 30 days of the assessment roll being adopted by the city council. If it is not a bonded project, then the city will determine the interest rate.

(Ord. No. 94, § 2(10.7), 2-9-1998)

Sec. 42-97. - Deferment of assessments.

The city may on a case-by-case basis agree to defer assessments on terms and conditions to be determined by the city.

(Ord. No. 94, § 2(10.8), 2-9-1998)

Secs. 42-98—42-122. - Reserved.

## DIVISION 2. - ALLOCATION OF ASSESSMENTS

Sec. 42-123. - City to select allocation method.

The city will determine which one of the methods provided in this division shall be applied to the road improvement project.

(Ord. No. 94, § 2(10.10), 2-9-1998; Ord. No. 114, § 2(10.10), 10-13-1999)

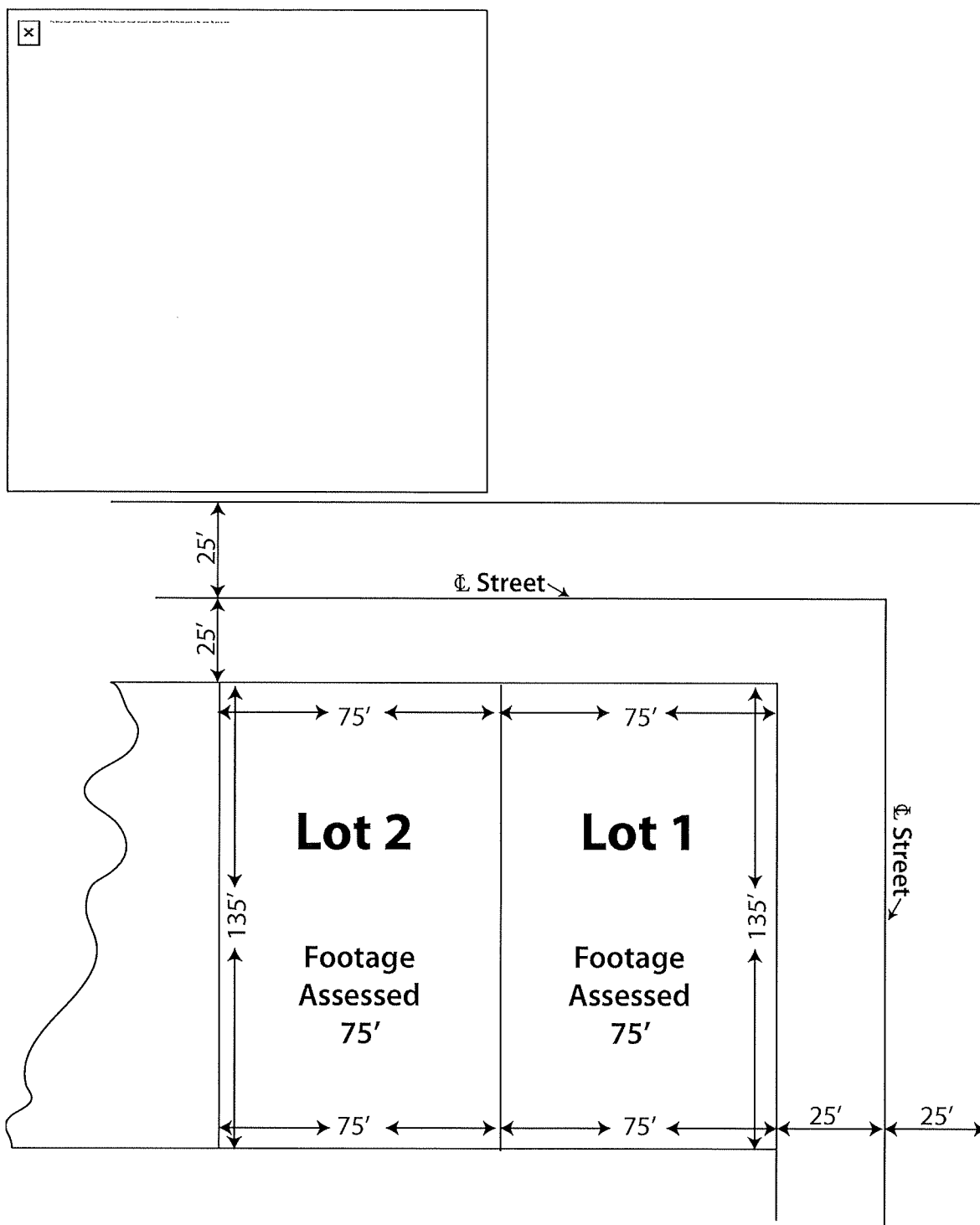
Sec. 42-124. - Equivalent lot basis.

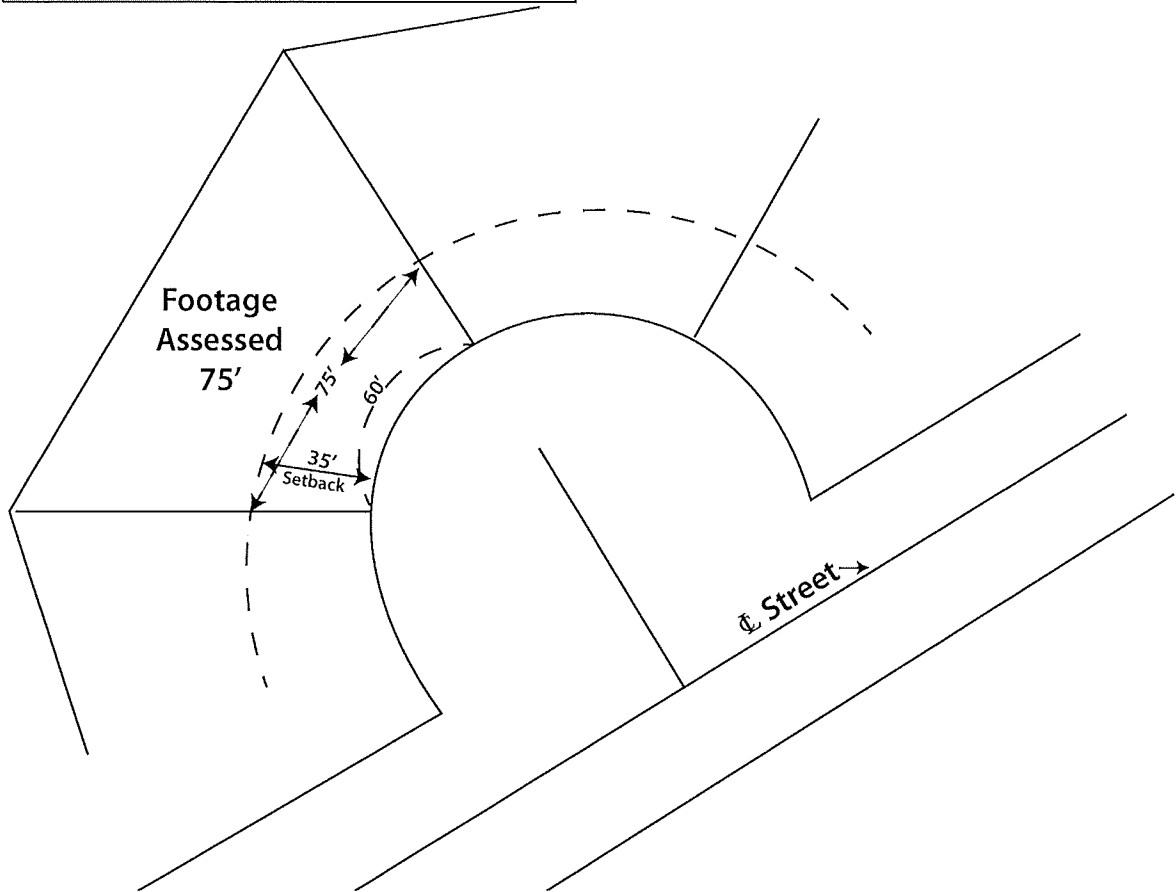
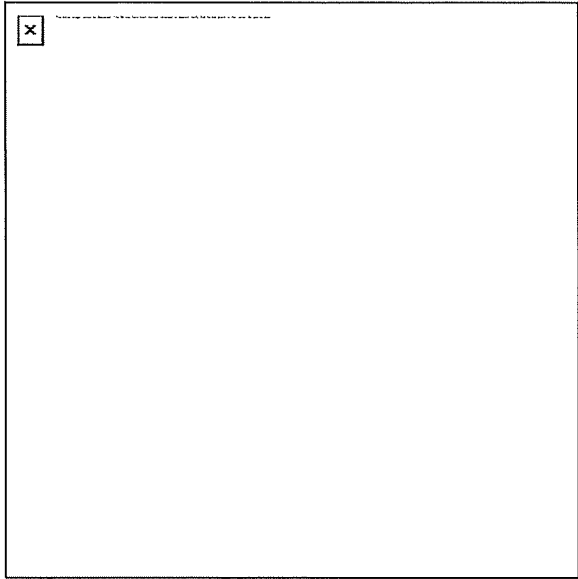
- (a) *Residential property.* Generally, assessments will be on an equivalent lot basis comprised of platted lots or metes and bounds lots which cannot be further subdivided. An undeveloped, splitable property may be assigned a number of equivalent lots based upon potential divisions of lots.
- (b) *Residential off-street.* Single lots or clusters of lots not having normal frontage on a street but gaining individual driveway or group driveway access to a street will be allocated one equivalent lot for each single-family residence.
- (c) *Commercial property.* Generally, assessments will be on a front foot basis unless the council has selected an equivalent lot basis for the project assessment determination.
- (d) *Commercial extra costs.* Extra improvements or right-of-way benefitting commercial properties will be assessed only against the commercial property. One hundred percent of the cost of the extra improvements shall be divided by the number of equivalent commercial lots.
- (e) *Criteria for determination of equivalent lot.* The following criteria may be used to determine an equivalent lot:
  - (1) Any lot with an existing structure receives one equivalent lot assessment.
  - (2) Any vacant platted lot or vacant metes and bounds parcel that meets the minimum lot requirements of the city's zoning regulations shall receive one equivalent lot assessment.
  - (3) Land that has the possibility of being subdivided may receive one equivalent lot assessment for each potential subdivided lot that meets the minimum requirements of the city's zoning regulations.
  - (4) Each individual unit in a cooperative or townhouse development may receive an equivalent lot assessment.
  - (5) A guest cabin and principle structure on one lot that cannot be subdivided due to structure locations shall receive one equivalent lot assessment.
  - (6) Property and structure combinations that do not fall within the above criteria will be reviewed by the city administrator or designee and city engineer. Typically, an equivalent lot will be determined by the city administrator or designee and city engineer with the city council making the final determination.
  - (7) If a corner lot is located where one of the abutting roads has been previously black topped, prior to October 13, 1999, the property owner is assessed one equivalent lot. If a lot is a double frontage lot, it will be assessed as either one-half or one equivalent lot as recommended by city staff with consideration to factors such as access, address and other circumstances specific to the property.
  - (8) If a property owner has two or more adjacent lots and the foundation of the principal dwelling is located on both or all of the lots, it is considered one equivalent lot.
  - (9) If a corner lot is located where both abutting roads have not been previously black topped, prior to October 13, 1999, it is assumed that when improvements are made, the first improvement will receive one equivalent lot assessment and the second improvement will receive one-half equivalent lot assessment.
  - (10) A lot will be considered a corner lot if it abuts at an intersection of roadways.
  - (11) When considering assessments, the topography of a property may be taken into consideration. Bluffs and wetlands may affect the suitability of subdividing and building.

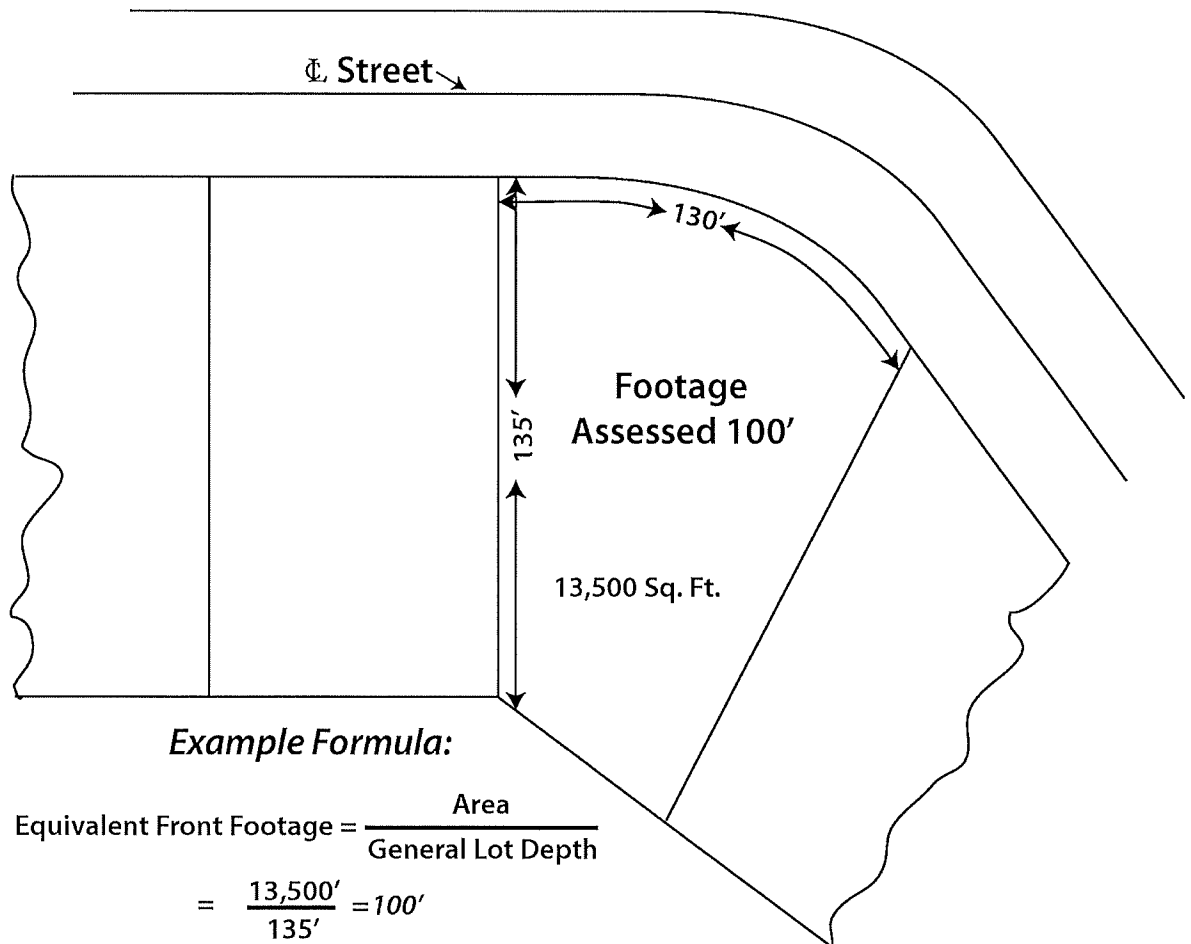
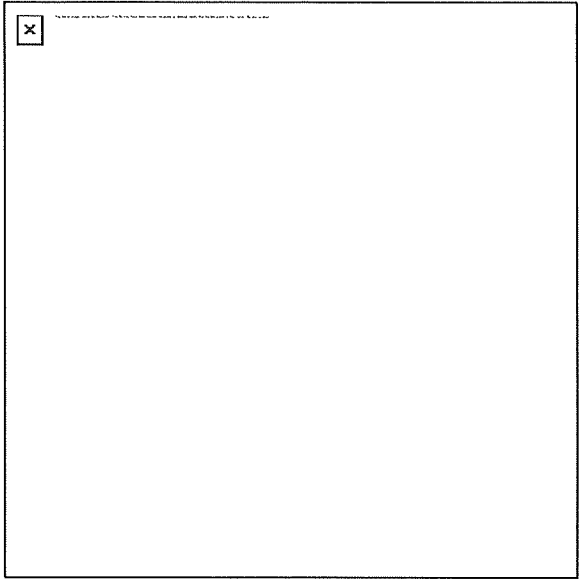
(Ord. No. 94, § 2(10.10(subds. 1, 2)), 2-9-1998; Ord. No. 114, § 2(10.10(subds. 1, 2)), 10-13-1999)

Sec. 42-125. - Front footage basis.

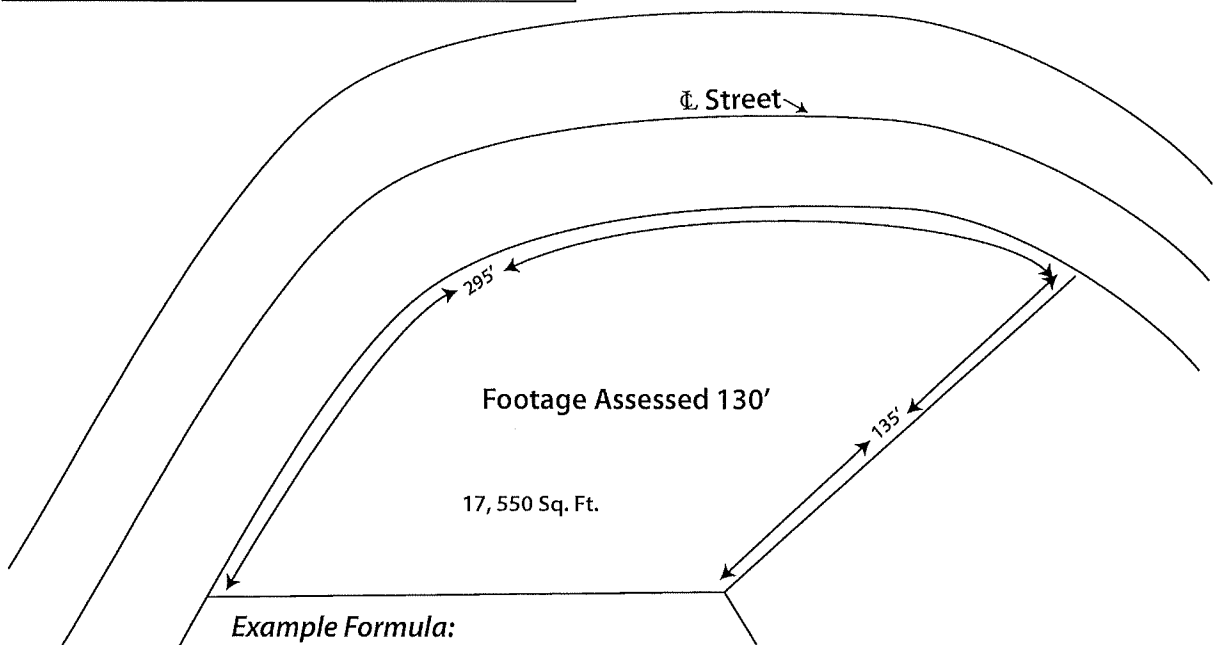
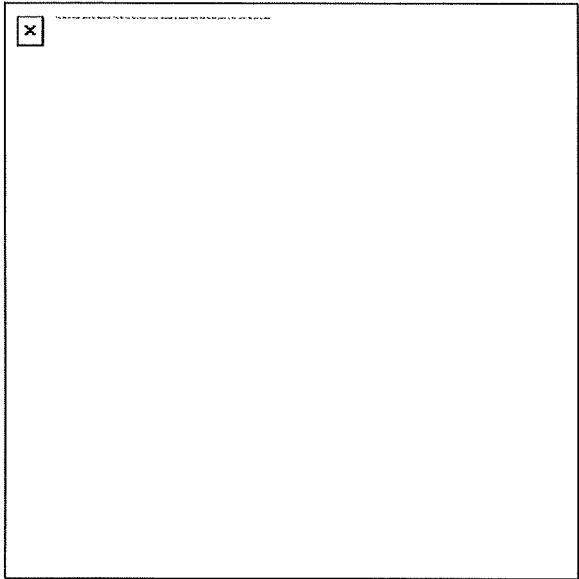
- (a) *Corner lots.* Corner lots 200 feet or less in depth will normally be assessed for the front, not the side or the rear. Depths in excess of 200 feet will be assessed as additional frontage based on each additional foot in excess of 200 feet.
- (b) *Front lots.* Assessment will be for the shortest side of a platted or metes and bounds lot.
- (c) *Side lots.* Assessment will be for the longest side of a platted or metes and bounds lot.
- (d) *Determination of front footage.* In many cases, the front footage of a lot is not immediately apparent. Therefore, it is necessary to determine an equivalent front footage which will maintain an equitable distribution of costs. The following rules will be used to determine an equivalent front footage:
  - (1) On all lots of a generally rectangular shape, straight front footage shall be used.
  - (2) On cul-de-sacs, sharply curved streets, and irregular shaped lots, front footage shall be measured at the normal house setback line.
  - (3) On "pie-shaped" lots and irregular shaped lots where other rules do not apply, equivalent front footage shall be calculated by dividing the square footage of the lot by the general lot depth of the subdivision.
  - (4) On a combination of rectangular and pie-shaped or irregular shaped lot, equivalent front footage will be determined on straight front footage plus the remainder in accordance with applicable rules.
  - (5) A minimum front footage may be set for all lots to be no less than the nominal front footages for the project area.





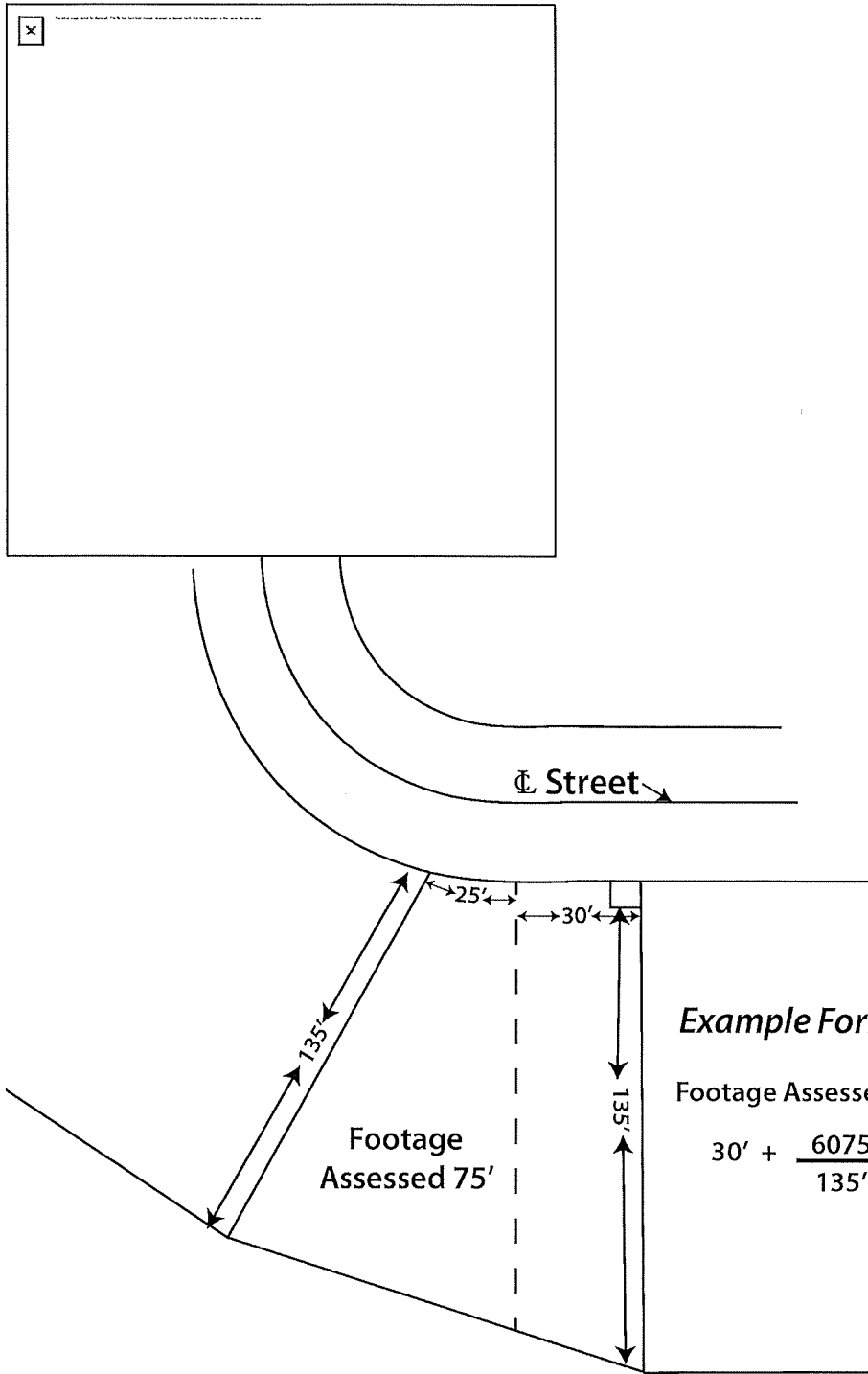






**Example Formula:**

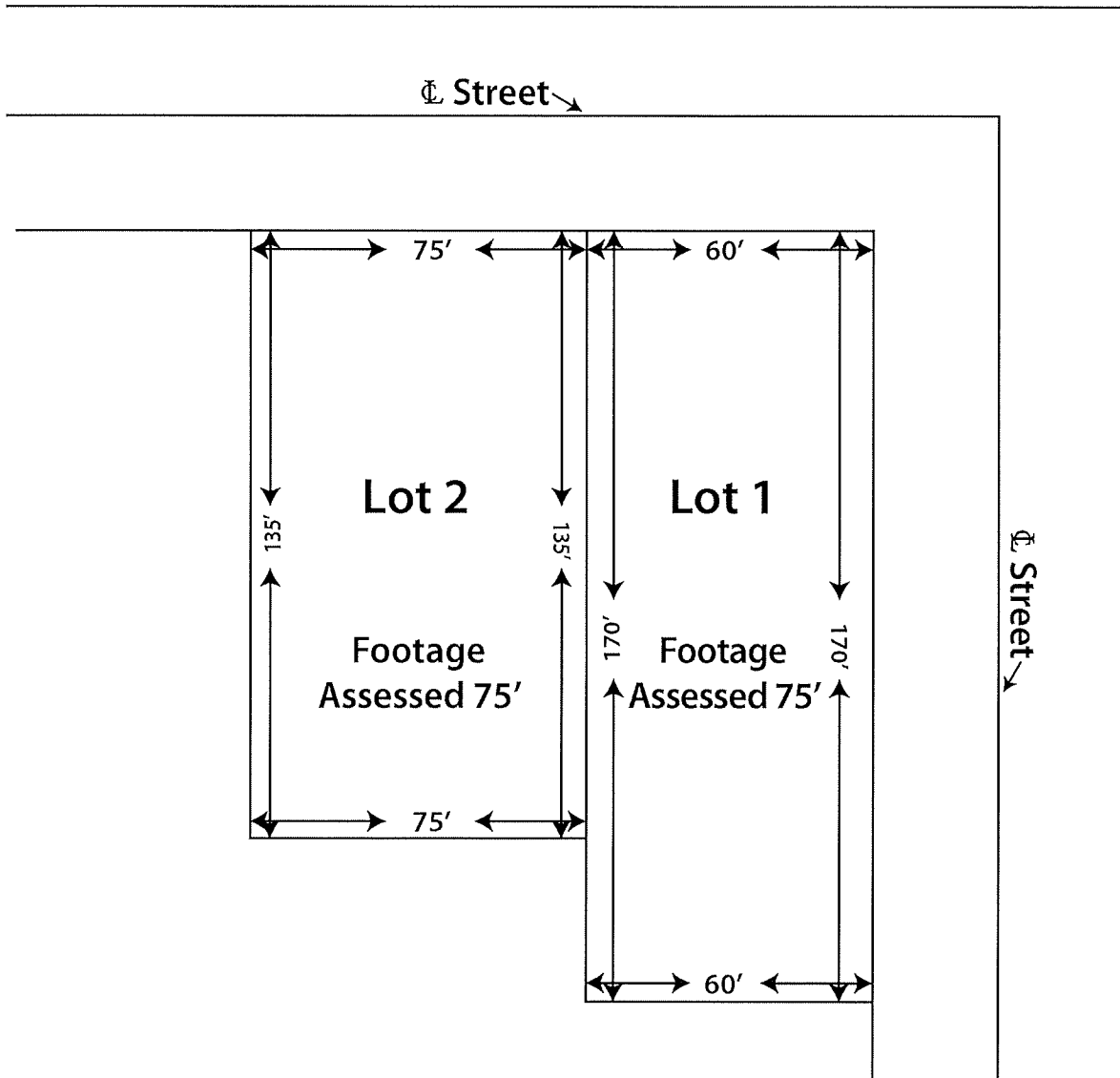
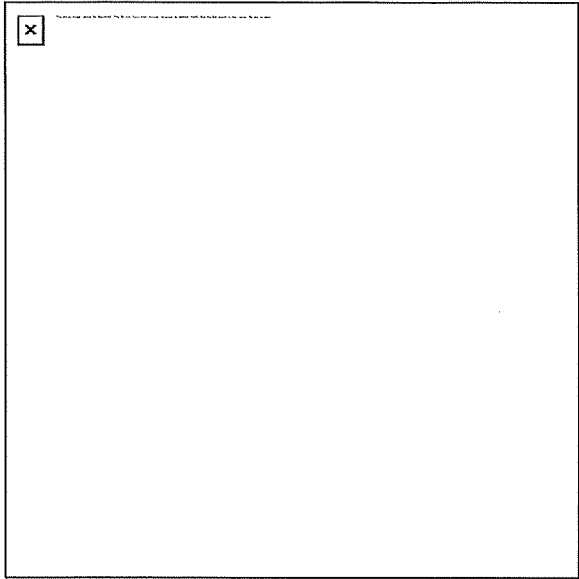
$$\begin{array}{rclclcl}
 \text{Assessed Footage} & + & \text{Equivalent Front Footage} & + & \text{Side Footage} & & \\
 & & & & \text{(Where required.)} & & \\
 \frac{\text{Area}}{\text{General Lot Depth}} & + & \left( \frac{1}{3} \times 165 \right) & = & \frac{17,550}{135} & + & \frac{55}{\text{(Where required.)}} = \\
 & & & & 130 & + & 55 = 185' \text{ Total}
 \end{array}$$



**Example Formula:**

$$\text{Footage Assessed} = 30' + \frac{\text{Area of } \pi}{135'}$$

$$30' + \frac{6075}{135'} = 30 + 45 + 75$$



(Ord. No. 94, § 2(10.10(subds. 3, 4, 5)), 2-9-1998; Ord. No. 114, § 2(10.10(subds. 3, 4)), 10-13-1999)

Secs. 42-126—42-148. - Reserved.

### DIVISION 3. - DEFERRAL FOR SENIOR CITIZENS AND RETIRED PERSONS WITH DISABILITIES

Sec. 42-149. - Determination of deferral assessment.

The city council may defer the payment of any special assessment made for local improvements constructed by the city within the city when, in its discretion, it determines by a three-fifths vote of the city council that the property upon which said assessment is to be levied is occupied as a homestead by one or more owners of the property who is 65 years of age or older, or retired by reason of permanent and total disability when payment of the assessment would create a hardship upon the owners thereof.

(Ord. No. 105, § 2(10.11(subd. 1)), 2-8-1999)

Sec. 42-150. - Filing for deferred status.

An applicant must file an application for deferred status within 30 days of the adoption of the final assessment roll or by September 15 of the year preceding the year for which deferral is requested, whichever is later, in order to be eligible for the deferral program in the succeeding year. All deferral applications must be made on forms approved by the city administrator and submitted to the city clerk's office.

(Ord. No. 105, § 2(10.11(subd. 2)), 2-8-1999)

Sec. 42-151. - Criteria for determining whether applicant has permanent and total disability.

Retirement by reason of permanent and total disability shall be deemed prima facie to exist when the applicant presents a sworn affidavit by a licensed medical doctor attesting that the applicant is unable to be gainfully employed because of a permanent and total disability.

(Ord. No. 105, § 2(10.11(subd. 3)), 2-8-1999)

Sec. 42-152. - Criteria for determining hardship.

A deferment may not be granted unless it would be a hardship for the applicant to make the payments. Regardless of whether the applicant is applying because the applicant is 65 years of age or older or the applicant is retired by reason of permanent and total disability, a hardship shall be deemed prima facie to exist when all the following apply:

- (1) The annual gross income of the applicant and the applicant's spouse, if any, according to their federal income tax return for the preceding year plus their tax exempt income for the preceding year can not exceed the amount equal to 200 percent of the most current federal poverty guidelines and schedule for family size, for the county. If no such return was made, the city administrator shall require the applicant to submit other pertinent information to show that this qualification is met.
- (2) The special assessment to be deferred exceeds \$1,000.00.
- (3) Notwithstanding the foregoing, the city council may determine that a hardship exists on the basis of exceptional and unusual circumstances pertaining to an applicant not caused by the

above standards; but any determination shall be made in a nondiscriminatory manner and shall not give the applicant an unreasonable preference or advantage over other applicants.

(Ord. No. 105, § 2(10.11(subd. 4)), 2-8-1999)

Sec. 42-153. - Interest on deferred assessment.

All deferred special assessments granted under this division shall accrue interest on the principal amount at the same rate established for the assessment, as if no deferment was granted. Said interest shall be due and payable upon termination of the deferred status.

(Ord. No. 105, § 2(10.11(subd. 5)), 2-8-1999)

Sec. 42-154. - Termination of right of deferred payment.

- (a) Deferrals granted under this division shall terminate and the amount deferred, together with accumulated interest, shall become due upon the occurrence of any of the following events:
  - (1) The death of the owner qualified for deferral status, provided that the surviving spouse is otherwise not eligible for the deferred benefits provided hereunder.
  - (2) The sale, transfer or subdivision of the property or any part thereof, including sale by contract for deed.
  - (3) If the property should for any reason lose its status as the homestead of the applicant.
  - (4) If for any reason the city council shall determine that there would be no hardship to require immediate or a partial payment of the deferred assessment.
- (b) At the time of the termination of the deferred status, the city council may, in its discretion, provide for payment of said deferred sum in installment payments in accordance with the terms of the original assessment.

(Ord. No. 105, § 2(10.11(subd. 6)), 2-8-1999)

Secs. 42-155—42-176. - Reserved.

#### DIVISION 4. - DEFERRALS FOR UNIMPROVED PROPERTY

Sec. 42-177. - Improvement defined.

Improvement shall be defined for purposes of this division as any construction or work which requires a zoning permit from the city.

(Ord. No. 105, § 2(10.12(subd. 4)), 2-8-1999)

Sec. 42-178. - Payment deferment upon unimproved property.

The city council may, upon approval of the appropriate application by a three-fifths vote of the city council, defer the payment of the first installment, and all subsequent installments, of any special assessment levied upon unimproved property until a designated future year, or until the construction of improvements thereon, or the platting or subdivision of the property, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the city council.

(Ord. No. 105, § 2(10.12(subd. 1)), 2-8-1999)

Sec. 42-179. - Accrued interest.

All deferred special assessments granted under this section shall accrue interest on the principal amount at the same rate established for the assessment, as if no deferment was granted. Said interest shall be due and payable annually at the same time as the principal installments of the assessment would have been payable if not deferred.

(Ord. No. 105, § 2(10.12(subd. 2)), 2-8-1999)

Sec. 42-180. - Termination of deferred status.

Upon the expiration of the deferred status or upon the construction of improvements on the property, or upon the platting or subdivision of the property, the outstanding principal and interest shall be payable in equal installments over the remaining years of the assessment.

(Ord. No. 105, § 2(10.12(subd. 3)), 2-8-1999)

Secs. 42-181—42-198. - Reserved.

7.

## City of Crosslake

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**From:** Phil Martin <Phillip.Martin@bolton-menk.com>  
**Sent:** Thursday, September 3, 2020 10:27 AM  
**To:** Char Nelson  
**Cc:** Ted Strand; Mike Lyonais (mlyonais@crosslake.net)  
**Subject:** PW Meeting - Update  
**Attachments:** BMP & Storm Sewer Reconfiguration 6-29-2020.pdf

Hi Char

My update for the PW Meeting is as follows:

We have continued on the design of the sanitary sewer and storm water quality on CSAH 66. For your review I have attached the developed storm water quality concepts that we need to further discuss with the City, Log Church, and Simonson Lumber. We don't anticipate much discussion with Moonlite Square and we are only intending to upgrade within the County right-of-way.

In addition, we recently met with Rob Hall from Crow Wing County to discuss impacts to the existing storm sewer pipe. We understand that the pipe was installed in 1978.

Within the project scope, there is 1,929 lin ft of existing storm pipe. Because of the depth of the sanitary sewer, proximity of the storm pipe to the proposed sanitary sewer pipe alignment, and storm pipe changes related to the stormwater quality basins, we anticipate impacts to all but 283 lin ft of storm pipe.

Based on discussions with the County, they are considering the pipe impact and if they want to consider replacing the remaining pipe as well. We anticipate further discussions regarding replacement scope and cost participation associated with their direction.

We are proceeding toward completing the plans and intent to have a 90% plan completed in mid-October for County review.

Thanks

**Phil Martin P.E.**  
Principal Engineer  
**Bolton & Menk, Inc.**  
7656 Design Road  
Suite 200  
Baxter, MN 56425-8676  
Phone: 218-825-0684 ext. 2864  
Mobile: 218-821-7265  
**Bolton-Menk.com**



Crosslake, MN

