



***City Council Memorandum***

**To:** Mayor Fasbender & City Council Members  
**From:** Ryan Stempiski – City Engineer  
**Date:** September 29, 2021  
**Item:** Water Service Repair Assessment Request – 1660 Tierney Drive

**COUNCIL ACTION REQUESTED**

Enclosed for Council approval is a request from Brian & Sara Meyer for the City to pay the cost to repair the water service line at their property located at 1660 Tierney Drive and to assess the costs back to the property. The cost of the work in this case was \$20,000.

**BACKGROUND**

The Meyer's had a water repair on this same service line assessed to their property earlier this year, which was approved at the May 3<sup>rd</sup> City Council Meeting. The assessment for the repair that occurred in April 2021 has already been certified to Dakota County. Therefore, the City Attorney has prepared a new agreement and waiver of assessment appeal for this second repair.

The Council is requested to approve the Meyer's request for the City to fund the water service repair and assess the cost back to the property under the condition that they first enter into an assessment agreement with the City.

**ATTACHMENTS**

- Resident Request
- Assessment Agreement

**Ryan Stempski, P.E.**

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**From:** Mark Peine  
**Sent:** Tuesday, September 28, 2021 11:53 AM  
**To:** Ryan Stempski, P.E.  
**Subject:** FW: Public Works Scan Job  
**Attachments:** City of Hastings Water Service Repair Form\_signed.pdf

Ryan- I think if we send this to Kori she can get going?

**Mark Peine**

Public Works Superintendent  
City of Hastings | Public Works | 1225 Progress Drive | Hastings, MN 55033  
Direct: 651-480-6186 | Mobile: 651-248-3108 | Fax: 651-437-5006



- Communication
- Optimal Service
- Respect for Resources
- Enthusiasm

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**From:** Sara Skaj-Meyer <skajmeyer1@yahoo.com>  
**Sent:** Tuesday, September 28, 2021 11:28 AM  
**To:** Mark Peine <MPeine@hastingsmn.gov>  
**Cc:** Brian Meyer <1b1mey@gmail.com>  
**Subject:** Re: Public Works Scan Job

Hello Mark,

Back in April of 2021 it was determined we had a water line leak that was past the home's shut off valve. That issue was repaired and we used the city's financing program at that time to cover the approximately \$6,800 in repair.

Per our discussion, it has been discovered that there is an additional leak farther out in the street that now needs to be repaired and at this time the costs are unknown, but could be in the \$20,000 range. We will not know the final estimate until they do the work and see the extent of the issue caused by the 30+ year old corroded water line. We will need to utilize the city's financing program again, but since we do not know the cost of the repair we do not know if we will need the 5yr or 10yr term yet. As the work is completed and the estimates come in we will submit those and at that time determine if we need 5 or 10 year term.

Please see that attached signed form and let me know what additional information you may need.

Thank you  
Sara Skaj-Meyer  
651-529-2067

On Monday, September 27, 2021, 03:29:59 PM CDT, Mark Peine <[mpeine@hastingsmn.gov](mailto:mpeine@hastingsmn.gov)> wrote:

Mark Peine  
Public Works Superintendent  
City of Hastings | Public Works | 1225 Progress Drive | Hastings, MN 55033  
Direct: 651-480-6186 | Mobile: 651-248-3108 | Fax: 651-437-5006  
<http://www.hastingsmn.gov>

-----Original Message-----

From: Mark Peine  
Sent: Monday, September 27, 2021 3:27 PM  
To: 'skajmeyer@yahoo.com' <[skajmeyer@yahoo.com](mailto:skajmeyer@yahoo.com)>  
Subject: FW: Public Works Scan Job

Hello Sara

I left you a voice message also about this form that is attached. Please read the instructions and send me back a short letter explaining the nature of your request and expected cost and if you want 5 years or 10 years to pay. Once we get this back from you our city attorney can prepare the agreement for you to sign after the work is done.

Thank you.

Mark Peine  
Public Works Superintendent  
City of Hastings | Public Works | 1225 Progress Drive | Hastings, MN 55033  
Direct: 651-480-6186 | Mobile: 651-248-3108 | Fax: 651-437-5006 <http://www.hastingsmn.gov> -----Original Message-----  
From: [ITDept@hastingsmn.gov](mailto:ITDept@hastingsmn.gov) <[ITDept@hastingsmn.gov](mailto:ITDept@hastingsmn.gov)>  
Sent: Monday, September 27, 2021 3:13 PM  
To: Mark Peine <[MPeine@hastingsmn.gov](mailto:MPeine@hastingsmn.gov)>  
Subject: Public Works Scan Job

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This scan sent from PW-Kyocera1-17  
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**City of Hastings  
Acknowledgment of Compliance with  
Minnesota Government Data Practices Act**

Every city in Minnesota must comply with the Minnesota Government Data Practices Act (MGDPA), which, in conjunction with other state and federal laws, classifies all government data. Government data are classified in different categories depending on whether they are accessible by the public

Government data means all data collected, created, received, maintained or disseminated by the city regardless of its physical form, storage media or conditions of use. There is a presumption that government data are public and are accessible by the public for inspection and copying unless there is a federal law, state statute or temporary classification of data that provides differently.

Utility Service Assessment Request

When a property owner requests a utility service repair be assessed, it is the policy of the City of Hastings to obtain a written request from the property owner for such request and the City Attorney to prepare an agreement and waiver of assessment appeal, spelling out the conditions and terms of the assessment and protecting the City from an assessment appeal. This written request, and any additional information obtained from a property owner related to the request, may be included in supporting documentation presented to the City Council as background information for acting on the request. The request, and supporting documentation, whether included in the City Council packet or other City documentation, is classified as public data under MGDPA.

I have read and understand that documentation submitted to the City Council may be available and/or released in compliance with MGDPA.

Brian Meyer  
\_\_\_\_\_  
Name

*Brian J. Meyer*  
\_\_\_\_\_  
Signature

09/28/21  
\_\_\_\_\_  
Date

Sara Skaj-Meyer  
\_\_\_\_\_  
Name

*Sara Skaj-Meyer*  
\_\_\_\_\_  
Signature

09/28/21  
\_\_\_\_\_  
Date

City Staff: *Mark Peni*

Date: *9/28/2021*



**Bauer Services of Welch, LLC**

**Aaron Bauer**

**26469 130th Ave**

**Welch, MN 55089**

**651-246-9153**

**bauerservices@hotmail.com**

*City of Hastings  
1225 Progress Drive  
Hastings, MN 55033*

*Attn: Mark Peine  
MPeine@hastingsmn.gov*

DATE: September 28, 2020  
FOR: BrianSaraMeyer  
NVOICE # 09282021-2119

*Work Completed At:  
Brian and Sara Meyer  
1660 Tierney Drive  
Hastings, MN 55033*

DESCRIPTION	AMOUNT
<u>Repair Water Service Line From Corp To Curb Stop</u>	
~ Permits	\$300.00
~ Schlomka Services	\$3,000.00
~ Asphalt Plus	\$5,500.00
~ Materials	\$2,200.00
~ Labor	\$9,000.00
<i>Total Due</i>	<b>\$20,000.00</b>

**Thank you for your business!**

*Please make check payable to Bauer Services.*

*Please feel free to contact Aaron Bauer with any questions regarding this invoice at 651-246-9153 or at bauerservices@hotmail.com.*

**PRIVATE WATER SERVICE REPAIR SPECIAL ASSESSMENT  
AGREEMENT**

**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between the City of Hastings, a Minnesota municipal corporation (“City”) and Brian J. Meyer and Sara Skaj-Meyer (the “Owners”), married persons.

**RECITALS**

- A. Owners are the fee owners of a parcel located at 1660 Tierney Drive in the City of Hastings, Dakota County, Minnesota, legally described as:  
  
See attached Exhibit A  
  
 (“Subject Property”).
- B. The City has found that certain repairs to the private water service are required.
- C. The Owners will cause the construction of the required private water service repairs.
- D. The Owners have requested that the City assess the costs of construction of the required private water service repairs to serve the Subject Property.
- E. The Owners acknowledge that the required private water service repairs will benefit the Subject Property.

**NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL COVENANTS  
THE PARTIES AGREE AS FOLLOWS:**

**1. PRIVATE WATER SERVICE REPAIRS.** The Owners will hire and approve a contractor of their choice to construct the private water service repairs that serve the Subject Property.

**2. DESCRIPTION OF IMPROVEMENT.** The “Improvement” is the private water service line repairs.

**3. SPECIAL ASSESSMENTS.** The City agrees to advance the funds necessary for the water line repairs in return for Owners’ agreement to have the costs assessed against the Subject Property as provided for in this Agreement. The Owners agrees to pay one hundred percent (100%) of the cost of the Repairs through the assessment process. The City will assess the Subject Property the following principal amount for the Repairs: \$20,000.00 (“Assessment Amount”). The Assessment Amount shall be deemed adopted on the date this Agreement is signed by the City. The Assessment Amount shall be paid over a 10-year period without deferment, together at a rate of 3.34% interest on the unpaid balance. Interest shall begin accruing thirty (30) days after the City Council’s approval of this Agreement. The Owners further agree that the Assessment Amount may be exceeded if the increases are a result of requests made by the Owners or otherwise approved by the Owners in a subsequent written document. The first installment shall be due and payable with first half of property taxes in 2022. Owners further agree that the City can assess an additional \$50.00 which represents \$5.00 per year for the term of the assessment to offset the fees imposed by Dakota County for this assessment, plus the City’s administrative fee.

**4. WAIVER OF APPEAL.** Owners hereby authorize the City to certify to the Dakota County Auditor/Property Tax Assessor a special assessment against the Subject Property up to the Assessment Amount. The Owners hereby waive all rights to assessment notices, hearings, appeals, and procedural and substantive objections and all other rights pursuant to Minn. Stat. §429.061, §429.071 and §429.081 for the special assessment against the Subject Property up to the Assessment Amount, including, but not limited to, any claim that the Assessment Amount against the Subject Property exceeds the benefit to the Subject Property for the Improvement. The Owners acknowledge and agree that the benefit of the Improvement to the Subject Property does in fact equal or exceed the Assessment Amount. The Owners also acknowledge and agree that the Subject Property receives a special benefit equal to or exceeding the Assessment Amount.

**5. BINDING EFFECT; RECORDING.** This Agreement shall be binding upon the Owners and the Owners’ successors and assigns. This Agreement may be recorded against the title to the subject property.





**PROPERTY OWNERS:**

By: \_\_\_\_\_  
Brian J. Meyer

By: \_\_\_\_\_  
Sara Skaj-Meyer

**STATE OF MINNESOTA**            )  
  ) **ss.**  
**COUNTY OF DAKOTA**            )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2021 by Brian J. Meyer and Sara Skaj-Meyer, married persons.

\_\_\_\_\_  
Notary Public

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
PID: 19-02900-67-040

That part of the Southwest Quarter of the Southwest Quarter of Section 29, Township 115 North, Range 17 West, Dakota County, Minnesota described as follows: Commencing at the Northeast corner of Lot 15, Block 2, Sontag's Second Addition, Dakota County, Minnesota; thence South 89 degrees, 44 minutes, 50 seconds West, bearing assumed, along the North line of said Lot 15 a distance of 37.26 feet; thence South 75 degrees, 26 minutes, 11 seconds West a distance of 153.93 feet; thence South 73 degrees, 38 minutes, 54 seconds West a distance of 100.04 feet to the point of beginning of the property to be described; thence continuing South 73 degrees, 38 minutes, 54 seconds West a distance of 56.65 feet; thence South 71 degrees, 46 minutes, 50 seconds West, a distance of 173.16 feet; thence South 00 degrees 30 minutes 06 seconds West a distance of 56.65 feet to the North line of Dakota View First Addition; thence East on the North line of Dakota View First Addition 242.37 feet to the North line of Tierney Drive; thence Northeasterly and Easterly, along said North line of Tierney Drive, on a nontangential curve, concave to the Southeast, having a radius of 190.00 feet, a central angle of 46 degrees, 49 minutes, 35 seconds, a chord bearing of North 66 degrees, 27 minutes, 43 seconds East a distance of 50.39 feet; thence North 32 degrees, 50 minutes, 21 seconds West, a distance of 115.99 feet to the point of beginning.