



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: Ryan Stempski, Public Works Director/City Engineer
Date: February 5, 2024
Item: Water Service Repair Assessment Request – 408 Cari Park Lane

Council Action Requested:

Lashonna Johnson, is requesting the costs associated with the water service line repair at 408 Cari Park Lane be assessed back to the property. The cost of the work in this case was \$8,500.

Background Information:

Public Works crews were dispatched to 408 Cari Park Lane for a water leak within the property. It was determined to be the private service line. The property owner, Lashonna Johnson, contacted a contractor to do the repairs. All necessary work was completed the week of January 8, 2024.

The City Attorney has prepared an agreement of assessment appeal detailing out the conditions and terms of the assessment and protecting the City from an assessment appeal.

Attachments:

- Resident Request
- Assessment Agreement



Bauer Services of Welch, LLC

Aaron Bauer

26469 130th Ave

Welch, MN 55089

651-246-9153

bauerservices@hotmail.com

DATE: January 8, 2024

FOR: LJohnson

INVOICE # 1082024-6005

LaSonna Johnson

408 Cari Park Lane

Hastings, MN 55033

LaSonna - 952-994-0534

DESCRIPTION	AMOUNT
<u>Replace water service from curbstop to meter using 1" CTS Plastic at 408 Cari Park Lane Hastings, MN</u>	

Invoice includes

- ~ Locates
- ~ Permits
- ~ Directional Drilling
- ~ Excavating
- ~ Plumbing
- ~ Materials
- ~ Labor

Total Due \$8,500.00

Invoice does not include yard restoration.

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.

**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.

LaSonna Johnson
Name

LaSonna Johnson AKA Holiday 1/8/2023
Signature Date

Name

Signature

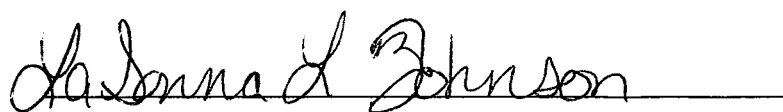
Date

City Staff: S. Schmidtke

Date: Jan 8, '24

1/8/2023

I LaSonna L Johnson aka LaSonna L Holiday to add water main service to my property taxes.

A handwritten signature in cursive script that reads "LaSonna L Johnson". The signature is written in black ink and is positioned above a solid horizontal line that extends across the width of the signature.

LaSonna L Johnson

**PRIVATE WATER SERVICE REPAIR SPECIAL ASSESSMENT
AGREEMENT**

THIS AGREEMENT is made this _____ day of _____, 2024, by and between the City of Hastings, a Minnesota municipal corporation (“City”), and LaSonna Leota Holiday, (the “Owner”).

RECITALS

- A. Owner is the fee owner of a parcel located at 408 Cari Park Lane in the City of Hastings, Dakota County, Minnesota, legally described as:

Lot 1, Block 2, Cari Park Third Addition, Dakota County, Minnesota

PID: 19-16402-02-010

Abstract Property

 (“Subject Property”).
- B. The City has found that certain repairs to the private water service are required.
- C. The Owner will cause the construction of the required private water service repairs.
- D. The Owner has requested that the City assess the costs of construction of the required private water service repairs to serve the Subject Property.
- E. The Owner acknowledges 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 Owner will hire and approve a contractor of their choice to construct private water service repairs (“Improvements”) that serve the Subject Property.

2. SPECIAL ASSESSMENTS. The City agrees to advance the funds necessary for the water line repairs in return for Owner’s agreement to have the costs assessed against the Subject Property as provided for in this Agreement. The Owner 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: \$8,500.00 (“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 5-year period without deferment, together at a rate of 4.56% interest on the unpaid balance. Interest shall begin accruing thirty (30) days after the City Council’s approval of this Agreement. The Owner further agrees that the Assessment Amount may be exceeded if the increases are a result of requests made by the Owner or otherwise approved by the Owner in a subsequent written document. The first installment shall be due and payable with first half of property taxes in 2025. Owner further agrees that the City can assess an additional \$150.00 to offset the City’s administrative fees related to preparing, certifying, and recording the assessment.

3. WAIVER OF APPEAL. Owner hereby authorizes 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 Owner hereby waives 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 Owner acknowledges and agrees that the benefit of the Improvement to the Subject Property does in fact equal or exceed the Assessment Amount. The Owner also acknowledges and agrees that the Subject Property receives a special benefit equal to or exceeding the Assessment Amount.

4. BINDING EFFECT; RECORDING. This Agreement shall be binding upon the Owner and the Owner’s successors and assigns. This Agreement may be recorded against the title to the subject property.

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**CITY:
CITY OF HASTINGS**

By: _____
Mary Fasbender
Mayor

By: _____
Kelly Murtaugh
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this ___ day of January 2024, before me a Notary Public within and for said County, personally appeared Mary Fasbender and Kelly Murtaugh, to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Hastings, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

OWNER:

By: *Lasonna Leota Holiday*
Lasonna Leota Holiday



STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this 23rd day of January, 2024, by Lasonna Leota Holiday, (the owner).

Natalie Anne Judge
Notary Public