



City Council Memorandum

To: Mayor Fasbender & City Council Members
From: Ryan Stempski – Public Works Director/City Engineer
Date: July 17, 2023
Item: Water Service Repair Assessment Request – 557 Kendall Drive

COUNCIL ACTION REQUESTED

Enclosed for Council approval is a request from Corey Knutson for the City to pay the cost to repair the water service line at his property located at 557 Kendall Drive and to assess the costs back to the property. The cost of the work in this case was \$7,000.

BACKGROUND

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

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

ATTACHMENTS

- Resident Request
- Assessment Agreement

**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.

Corey Knutson
Name

[Signature]
Signature

7/3/23
Date

Name

Signature

Date

APPROVED
By Joe Spagnoletti at 11:10 am, Jul 05, 2023

City Staff: _____

Date: _____

My name is Corey Knutson. On March 19th my basement flooded due to a rupture in my service line at [557 Kendall Dr, Hastings, MN 55033](#).

Aaron Bauer Services did the repair. They had to replace my service line. I would like to use the City's service line repair payment assistance. I understand this will be put on my property taxes. The amount I am requesting to be assessed is \$7,000

Thank you,
Corey Knutson



VIII-10

Bauer Services of Welch, LLC
Aaron Bauer
26469 130th Ave
Welch, MN 55089
651-246-9153
bauerservices@hotmail.com

DATE: March 28, 2023
FOR: coreyknutson
INVOICE # 3282023-4030

Corey Knutson
557 Kendall Drive
Hastings, MN 55033
coreyknutson227@gmail.com

DESCRIPTION *AMOUNT*

Replace Water Service from curb stop to meter at 557 Kendall Drive

~ Material and Labor \$7,000.00

Total Due \$7,000.00

Thank You For Your Business!

Please make checks 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 _____, 2023, by and between the City of Hastings, a Minnesota municipal corporation (“City”), and Corey Knutson, a single person (the “Owner”).

RECITALS

- A. The Owner is the fee owner of a parcel located at 557 Kendall Drive, in the City of Hastings, Dakota County, Minnesota, legally described as:

Lot 27, Block 2, Cari Park Fifth Addition, Dakota County, Minnesota

Abstract Property

PID: 19-16404-02-270

(“Subject Property”).

- B. The City has found that certain repairs to the private water service are required.
- C. The Owner has caused 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 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: \$7,000.00 (“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 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 2024. Owner further agrees 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.

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 Improvements. The Owner acknowledges and agrees that the benefit of the Improvements 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 _____, 2023, 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 Minnesota municipal corporation named in the foregoing instrument, and that said instrument was signed 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 municipal corporation.

Notary Public

OWNER:

By: _____
Corey Knutson

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Corey Knutson, a single person.

Notary Public

**This instrument was drafted by
and after recording return to:**

Korine L. Land, #262432
LeVander, Gillen & Miller, P.A.
1305 Corporate Center Drive, Suite 300
Eagan, MN 55121
651-451-1831