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Minutes of the special meeting of the City Council of Dilworth, Clay County, Minnesota, held June 18, 2018, at 6:00 o'clock p.m., at Dilworth Community Center.

PRESENT: Mayor Olson, Councilmembers Aasness, Jesme, Spaulding, and Nash

OTHERS: City Administrator Peyton Mastera, City Engineer Dan Hanson, City Planner Stan Thurlow, Jean & James Russell, Josh Somers, Tim & Anita Sunde, Larry Revier, Steve Opatril, Rick Halvorson, Jeremiah Christenson, De Forrest Erdmann, Shawn Kaiser, and Administrative Assistants Angela Miller and Jessica Malvin.

### 1. CALL TO ORDER

Mayor Olson called the meeting to order at 6:00 p.m. and everyone took part in the Pledge of Allegiance.

### 2. AGENDA APPROVAL

MOTION: by Aasness, seconded by Jesme, to approve the June 18, 2018 meeting agenda. Motion carried by all members present voting aye.

### 3. PUBLIC HEARING, FINAL ASSESSMENT HEARING FOR THE KEYSTONE 1<sup>ST</sup> ADDITION, 14<sup>TH</sup> STREET NORTHEAST, AND 4<sup>TH</sup> AVENUE NORTHEAST PROJECT

Public Hearing opened at 6:03 p.m.

Mayor Olson informed every one of the guidelines of the public hearing. Those making a statement must use the microphone and state their name and address.

City Administrator Peyton Mastera reviewed the steps of Minnesota Stat. 429 Special Assessment process. The next step is the final assessment hearing for the improvement. This public hearing is to review the project and allow residents to formally contest their special assessments.

City Engineer Dan Hanson explained the project. The Keystone project includes 105 single family lots and includes the construction of 14<sup>th</sup> Street NE from Highway 10 to the NW corner of Keystone and 4<sup>th</sup> Avenue NE as an extension of the current road. The assessments being discussed are for constructing 14<sup>th</sup> Street NE and 4<sup>th</sup> Avenue NE.

City Administrator Peyton Mastera reviewed special assessment payment options. He explained first payments will be in 2020 and will be spread out over twenty years. There will be two payments each year with property taxes. The City will accept pre-payment of specials.

Mayor Olson explained the process for contestation. Anyone contesting their specials must do so in writing to the City Administrator or Mayor Olson at this public hearing. Within thirty days from today they must serve notice to the City of Dilworth that they intend to file in district court.

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Once this notice is received they must file with the court within ten days. Failure to meet any of these requirements invalidates the ability to contest specials.

Mayor Olson inquired if there were any previously submitted written contestations. He was presented with contestations from Tim & Anita Sunde and Deforrest Erdmann.

Anita Sunde, 1112 6<sup>th</sup> Avenue NE, asked who would be paying for the 14<sup>th</sup> Street and Highway 10 intersection improvements. Dan Hanson responded that it is included in this assessment. She feels taking the full intersection access at 12<sup>th</sup> Street and Highway 10 away and then forcing them to use 14<sup>th</sup> Street and assess them for this is not right. She would like to see 12<sup>th</sup> Street intersection left alone and not be assessed for 14<sup>th</sup> Street improvements. She stated that construction of 14<sup>th</sup> Street NE will not benefit her or increase the value of her property. She also feels limiting access on the 12<sup>th</sup> Street intersection would affect safety and emergency response time to those in her area. She wants to see Keystone happen but with the best use of money and what is best for residents.

Mayor Olson reassured residents that the City worked with the MNDOT and state representatives to make sure everything we were doing is right and the best for all involved.

Deforrest Erdmann, 5684 Highway 10, feels the assessment amount of \$139,000, which would average to \$900 a month, is too much for his property and that the development does not benefit him and does not increase his property value.

Josh Somers, 1201 Southwood Drive, feels the improvement does not increase the value of his property and would lower the value.

City Engineer Dan Hanson, explained the special assessments were calculated using the City's Assessment Policy. The specials in Woodbridge were calculated by using the total cost of the project and dividing by the number of parcels in the special assessment area.

Tim Sunde, 1112 6<sup>th</sup> Avenue NE, commented on the emergency response time being reduced by changing the 12<sup>th</sup> Street intersection.

Jean Russell, 405 13<sup>th</sup> Street NE, has paid off her specials and does not feel it is fair to be assessed for these improvements and that 14<sup>th</sup> Street will not benefit her. She also feels interest should not be included in her assessment.

Public Hearing closed at 6:50 p.m.

#### 4. RECEIVE AND FILE, ALL WRITTEN OBJECTIONS TO THE PROPOSED ASSESSMENT

Written objections received pursuant to Minnesota Statutes.

Anita & Tim Sunde, 1112 6<sup>th</sup> Avenue NE

Deforrest Erdmann, 5684 Highway 10

Josh Somers, 1201 Southwood Drive

Jean & James Russell, 405 13<sup>th</sup> Street NE

MOTION: by Nash, seconded by Aasness, to receive and file all written objections to the proposed assessment. Motion carried by all members present voting aye.

5. RESOLUTION 18-39, ADOPTION OF ASSESSMENTS FOR THE KEYSTONE 1<sup>ST</sup> ADDITION, 14<sup>TH</sup> STREET NORTHEAST, AND 4<sup>TH</sup> AVENUE NORTHEAST PROJECT

Mayor Olson explained the process for contestation again.

Anita Sunde asked how the City plans to prove the assessments will increase the value of her property. City Engineer Dan Hanson replied by reading from the League of Minnesota Cities Special Assessment document. It states that the assessment roll shows proof that an assessment does not exceed the special benefit and anyone contesting must introduce evidence sufficient to disprove this. It would be the responsibility of the district court to determine if the assessment exceeds the market value.

Council Member Nash clarified that appraisals and assessment (districts) are different things. One of the benefits having the collector street is it will take traffic off your street. The Keystone project is good for the growth of the City and the development will show benefits for the entire City in the long run. Nash also reminded everyone that part of the project is paid for by the City.

Council Member Spaulding stated that in the long run this growth will benefit the City of Dilworth and if Dilworth stayed same size property values would decrease.

MOTION: by Nash, seconded by Spaulding, Adoption of Assessments for the Keystone 1st Addition, 14th Street Northeast, and 4th Avenue Northeast Project. Motion carried by all members present voting aye.

6. COUNCIL MEMBER’S CONCERNS AND COMMITTEE UPDATES

Spaulding expressed concern about the total specials assessed to Mr. Erdmann.

7. ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

Mayor:   
Chad Olson

ATTEST:   
L. Peyton Mastera, City Administrator

Approved by the Dilworth City Council on June 25, 2018