

SPECIAL TOWN BOARD MEETING JUNE 1, 1995

THIS SPECIAL BOARD MEETING WAS CALLED TO ORDER BY VICE - CHAIRPERSON LEE TOPP. PRESENT WERE SUPERVISORS JOHNSON, KADLEC, SCHINDLEDECKER, AND SMITH, CLERK LEINE AND TREASURE SCHULZ.

THIS MEETING WAS CALLED TO WORK OUT THE CORRECT PROCEDURES THAT MUST BE FOLLOWED TO RESPOND TO THE REQUEST BY CITIZENS, TO HARD SURFACE 240TH ST. BETWEEN DODD ROAD AND HIGHVIEW AVE.

THE BOARD INVITED MR. TIMOTHY J. KUNTZ, OF LeVANDER, GILLEN & MILLER, P.A. ATTORNEYS AT LAW, TO BRIEF THEM AND LAY OUT A PLAN OF ACTION FOR THE BOARD.

SUPERVISOR TOPP OPENED THE MEETING BY ASKING MR. KUNTZ TO INFORM THE BOARD AND THE LARGE NUMBER OF CITIZENS PRESENT ABOUT THE PROCESS TO PROCEED WITH THIS PROJECT.

1. MINNESOTA STATE STATUE 429 AUTHORIZES THE TOWN BOARD TO UP - GRADE A ROAD.

2. THE BOARD MUST DETERMINE IF THE PROJECT IS NEEDED AND IT'S COST.

A. THE BOARD HAS AUTHORIZED PROBE ENGINEERING COMPANY, INC., 1000 EAST 146TH STREET, BURNSVILLE, MN TO PREPARE A FEASIBILITY STUDY OF THIS PROJECT. PROBE HAS SUBMITTED THEIR FINDINGS AND GIVEN AN ESTIMATED COST TO COMPLETE THE PROJECT.

3. THE BOARD THEN NOTIFIES THE TOWNSHIP OF A PUBLIC HEARING TO ORDER THIS PROJECT (HARD SURFACE OF 240TH STREET FROM DODD ROAD TO HIGHVIEW AVE). THE FOLLOWING WILL BE DISCUSSED AT THIS HEARING.

A. COST OF PROJECT.

B. ASK FOR BIDS ON PROJECT.

C. NOTIFY PEOPLE THAT WILL BE AFFECTED BY PROJECT.

4. THE PROJECT WILL BE ORDERED OR NOT ORDERED, AT THIS HEARING, BY A 4/5 VOTE OF THE BOARD IF NO PETITION SIGNED BY 35% OF PROPERTY OWNERS WAS PRESENTED, OTHERWISE ONLY A MAJORITY VOTE IS REQUIRED.

5. THE BOARD MUST HAVE THE PROJECT BUDGET AND NEEDED FINANCIAL ARRANGEMENTS IN PLACE. IT IS RECOMMENDED THAT THE BOARD SEEK PROFESSIONAL HELP IN THIS PHASE OF THE PROCESS - FISCAL ADVISOR AND ENGINEER OF RECORD.

6. THE PROJECT IS STARTED AND COMPLETED. THE TOWNSHIP IS REQUIRED TO PAY THE CONTRACTORS AS THE BILLS ARE PRESENTED. AFTER ALL THE BILLS HAVE BEEN COMBINED TO LEARN THE TRUE COST OF THE PROJECT, THE BOARD WILL HOLD AN ASSESSMENT HEARING.

7. AN ASSESSMENT HEARING WILL BE HELD TO ASSESS THE CITIZENS BENEFITTING FROM THIS IMPROVEMENT. THE LAND OWNERS INVOLVED WITH BE NOTIFIED BY MAIL OF THIS HEARING. THE HEARING WILL ALSO BE POSTED IN THE TOWNSHIPS LEGAL NEWSPAPERS.

8. THIS HEARING WILL SET THE AMOUNT OF MONEY EACH LAND OWNER WILL BE ASSESSED, HOW LONG THE ASSESSMENT WILL BE AND THE AMOUNT OF INTEREST TO BE PAID. ASSESSMENT MUST BE UNIFORM AND WILL FOLLOW ONE OF THREE GENERAL FORMATS.

- A. FRONTAGE FOOT BASE,
- B. ACRES BASE,
- C. PER BUILDABLE UNIT BASE.

SUPERVISOR TOPP THEN OPENED THE MEETING FOR ANY QUESTIONS OR COMMENTS FROM THE CITIZENS PRESENT. THIS OPEN FORM OF QUESTION AND ANSWER LASTED FOR THE BEST PART OF 1 1/2 HOURS. THE CITIZENS, AT THIS MEETING, ARE ASKING THE BOARD TO FURNISH THE FOLLOWING INFORMATION AT THE PUBLIC HEARING THAT WILL ORDER THE PROJECT:

- 1. COST OF PROJECT
- 2. WHO WILL PAY FOR THE PROJECT.

SUPERVISOR TOPP THEN CLOSED THIS PART OF THE SPECIAL MEETING AND THE BOARD WITH THE HELP OF LEGAL SET UP A TIME TABLE TO START THIS PROCESS MOVING.

LEGAL NOTICE TO BE POSTED IN THE TOWNSHIPS NEWSPAPERS. THESE NOTICES TO BE PLACED ON TUE. JUNE 20. THE NOTICE WILL RUN FOR TWO WEEKS BEFORE THE "TO ORDER HEARING". LAND OWNERS THAT WILL BE AFFECTED BY THIS PROJECT WILL BE NOTIFIED BY LETTER TO BE MAILED JUNE 21, 1995 BY REGULAR POST. THE "TO ORDER HEARING" WILL BE HELD BY THE TOWN BOARD ON JULY 10, 1995.

THE COST OF THIS PROJECT WAS DISCUSSED AS WAS HOW AND WHO SHOULD BE UNITIZED IN THE PROJECT. THE COST FOR THIS PROJECT IS ESTIMATED AT \$200,000.00 UPON COMPLETION. THIS INCLUDED LEGAL, FINICAL, BONDING, AND A CONTINGENCY FOR UNEXPECTED PROBLEMS THAT COULD ARISE ONE THE ROAD IS OPENED UP, AS WELL AS THE ESTIMATED COST OF THE PROJECT.

SUPERVISOR SCHINDLEDECKER MOVED THAT THE TOWNSHIP ENGAGE

THE SERVICES OF AUDITOR SPRINGSTEAD FOR THE FINANCIAL PLANING,  
AND TOM HAY OF DORSEY & WHITNEY TO DO THE PAPER WORK TO  
ARRANGE FOR THE FINANCIAL BONDING. THIS MOTION WAS SECONDED  
BY SUPERVISOR KADLEC AND CARRIED.

KADLEC MOVED TO ADJOURN THE SPECIAL MEETING, SECONDED BY  
JOHNSON AND CARRIED.

gls