

ORDINANCE NO. 2168

**AN ORDINANCE ESTABLISHING A HOUSING IMPROVEMENT AREA
FOR THE CREEK MEADOWS II OWNERS ASSOCIATION
PURSUANT TO THE MINNESOTA STATUTES CHAPTER 428A**

PREAMBLE:

- A. The City is authorized under Minnesota Statutes Sections 428A.11 through 428A.21 to establish by ordinance housing improvement areas within which housing improvements are made or constructed and the costs of those improvements are financed in whole or in part by the City which is repaid by fees imposed upon the owners of housing units within the area.
- B. In accordance with Minnesota Statutes Section 428A.11, owners of 50% or more of the housing units located within the Creek Meadows II Owners Association filed a petition with the City requesting a public hearing regarding the establishment of a housing improvement area.
- C. On May 17, 2016 the City Council conducted a public hearing on the petition, which hearing was duly noticed in accordance with Minnesota Statute '428A.13, subd. 2, at which all persons, including owners of property within the housing improvement area were given an opportunity to be heard.
- D. The City Council therefore has determined a need to establish the Creek Meadows II Owners Association Housing Improvement Area as defined herein in order to facilitate certain improvements to the property all in accordance with the Housing Improvement Act.

Now, therefore, the City of Coon Rapids does ordain:

Section 1. Pursuant to Minnesota Statutes Chapter 428A there is hereby established in the City of Coon Rapids a housing improvement area over property commonly known as Creek Meadows II Owners Association.

Section 2. Findings. The City hereby makes the following findings in support of its action to establish the housing improvement area described herein:

- a. The Council finds that without establishment of the housing improvement area the housing improvements could not be made by the townhouse association for, or the housing unit owners in the Creek Meadows II Owners Association development.

b. Council further finds that designation of said housing improvement area is needed to maintain and preserve the housing units within that area.

Section 3. Housing Improvement Area defined. The Creek Meadows II Owners Association Housing Improvement Area is hereby defined as that area of the City legally described as follows:

Units 1511, 1513, 1515, 1517, 1521, 1523, 1525, 1527, 1531, 1533, 1535, 1537, 1541, 1543, 1545, 1547, 1551, 1553, 1555, 1557, 1561, 1563, 1565, 1567, 11230, 11232, 11234, 11236, 11240, 11242, 11244, 11246, 11250, 11252, 11254, 11256, 11260, 11262, 11264, 11266, 11270, 11272, 11274 and 11276, all in Condominium No. 47, Creek Meadows II, Anoka County, Minnesota.

Section 4. Housing Improvements defined.

a. For the purposes of this ordinance, the term “housing improvements” shall mean the replacement of siding, gutters, windows, doors, concrete aprons, sidewalks, landscaping, remove and replace curb and gutters and prep all driveways for paving and necessary and incidental related improvements and repairs to the housing units and garages within the Creek Meadows II Owners Association Housing Improvement Area.

b. The above mentioned construction shall also include all incidental work in repairs to finish the improvements to industry standards and comply with all building codes regardless of whether said incidental work is described in this ordinance.

c. Housing Improvements shall also be deemed to include any of the following costs incurred by either the Creek Meadows II Owners Association Housing Improvement Area or the City:

i. All costs of architectural and engineering services in connection with the improvements.

ii. All administration, legal, assessing fee and consultant costs in connection with the Creek Meadows II Owners Association Housing Improvement Area.

iii. Costs of issuance of bonds, if any, to finance housing improvements under the Housing Improvement Act.

Section 5. Housing Improvement Fee. The City may, by resolution adopted in accordance with the petition, hearing, and notice procedures required under Minnesota Statute Chapter 428A known as the Housing Improvement Act, impose a fee on the housing units within the Creek Meadows II Owners Association Housing Improvement Area at a rate, term, and

amount sufficient to produce revenues required to provide the Housing Improvements subject to the terms and conditions set forth in this section.

a. Any Housing Improvement Fee shall be imposed on the basis of the total cost of the Housing Improvements to be financed by the Housing Improvement Fee, divided by the number of housing units in the Housing Improvement Area.

b. Any Housing Improvement Fee shall be imposed and payable no greater than fifteen years after the first installment is due and payable.

c. The resolution imposing any Housing Improvement Fee shall provide that any fee, or portion thereof, not prepaid by the housing unit owner shall be deemed to include simple interest upon unpaid housing improvement costs at an annual rate equal to the rate imposed for special assessments in the City at the time the resolution is adopted plus an additional one percent.

d. Any Housing Improvement Fee shall be collected at the same time and in the same manner as provided for payment and collection of *ad valorem* taxes, in accordance with Minn. Stat. '428A.05. As set forth in Minn. Stat. '428A.14, the Housing Improvement Fee is not included in the calculation of levies or limits on levies imposed under any law or charter.

e. Any Housing Improvement Fee shall not exceed the amount specified in the notice of public hearing regarding the approval of such fee; provided, however, that the Housing Improvement Fee may be reduced after approval of the resolution setting the Housing Improvement Fee, in the manner specified in such resolution.

Section 6. Issuance of Bonds. At any time after a contract for construction of all or part of the housing improvements has been entered into or the work has been ordered, and the period for prepayment of the Housing Improvement Fee has expired, the Council may issue bonds in the principal amount necessary to finance the housing improvements that have not been prepaid along with costs of issuance of the bonds. Such bonds shall be issued pursuant to and in accordance with Minn. Stat. '428A.16 of the Housing Improvement Act.

Section 7. Annual Reports.

a. On March 15, and each March 15th thereafter until all Housing Improvement Fees derived in the Creek Meadows II Owners Association Housing Improvement Area are fully paid, the Creek Meadows II Owners Association and any successor in interest, shall submit to the City Clerk a copy of the Association's audited financial statements.

b. Any successor in interest, shall also submit to the City any other reports or information at the time and as required by any contract entered into between that entity and the City.

Section 8. Notice of Right to File Objections. Within five days after the adoption of this ordinance, the City Clerk is authorized and directed to mail to the owner of each housing unit in the Creek Meadows II Owners Association Housing Improvement Area a copy of this Ordinance and notice that owners subject to the proposed Housing Improvement Fee have a right to veto this ordinance if owners of at least 45% of the housing units within the Creek Meadows II Owners Association Housing Improvement Area file an objection with the City Clerk before the effective date of the ordinance.

Section 9. Amendment. This ordinance may be amended by the City Council upon compliance with the public hearing and notice requirements set forth in Minn. Stat. '428A.13, subd. 2 of the Housing Improvement Act.

Section 10. Effective Date. This ordinance shall be effective 45 days after its adoption.
Introduced this 17th day of May, 2016.

Adopted this 7th day of June, 2016.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk