

NOTICE OF HEARING ON PROPOSED ASSESSMENT

Notice is hereby given that the Elysian City Council will meet at **6:00 p.m. on Monday, April 9, 2018**, in the Elysian City Hall, to consider, and possibly adopt, the proposed assessment for the 2018 Street and Utility Improvement Project, which includes improvements on the following streets:

- Frank Avenue NW from 4th Street NW to 1st Street N
- Park Avenue NW from 4th Street NW to 1st Street N
- 4th Street NW from MN TH 60
- 3rd Street NW from MN TH 60 to Frank Avenue NW
- 2nd Street NW from Lake Francis to Main Street E
- 2nd Street SE from Main Street south to dead end
- 2nd Street NE from Main Street to Park Avenue NE
- Alley north of Main Street between 2nd Street NW and 1st Street N

The improvements consist of sanitary sewer spot repairs, sanitary sewer services, water main, water services, storm sewer, concrete curb and gutter, select sidewalks, aggregate base, bituminous surfacing, turf restoration, and miscellaneous items required to properly complete the improvements. Adoption by the council of the proposed assessment may occur at the hearing. The area proposed to be assessed for such improvements includes properties abutting such improvements, and non-abutting properties that benefit from the improvements.

Such assessment is proposed to be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January 2019, and will bear interest at a rate of 4.50 percent per annum after October 31, 2018. To the first installment shall be added interest on the entire assessment from November 1, 2018, until December 31, 2019. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

You may at any time prior to certification of the assessment to the County Auditor-Treasurer on November 1, 2018, pay the entire assessment on such property to the office of the City Administrator. **No interest shall be charged if the entire assessment is paid by October 31, 2018.** You may at any time thereafter, pay to the County Auditor-Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 4.50 percent per year. The right to partially prepay the assessment has been authorized by ordinance: The City will accept no more than two (2) payments of at least \$500.00 each, before the City's certification deadline for the assessment.

Under Minn. Stat. §§ 435.193 to 435.195, the council may, in its discretion, defer the payment of this special assessment for any homestead property owned by;

- a. a person 65 years of age or older.
- b. a person retired by virtue of a permanent and total disability.
- c. a member of the National Guard or other reserves ordered to active military service, as defined in Minnesota Statutes Section 190.05, subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments.
- d. a person that is unable to meet payment obligations due to proven financial hardship.

In order to determine financial hardship, the City Administrator shall review the applicant's income statement. As a general guideline, a financial hardship deferral is automatically met if household adjusted gross income is at or below 125% of the most recently published Federal Poverty Line issued by the Department of Health and Human Services. This financial hardship guideline is intended to make clear the standard basis for financial hardship and remain non-discriminatory in financial hardship reviews. However, the City Council may approve deferrals where extenuating circumstances exist as presented by the applicant.

When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest become due. Any assessed property owner

meeting the requirements of this law and the policy adopted under it may, within 14 days of the confirmation of the assessment, apply to the City Administrator for the prescribed form for such deferral of payment of this special assessment on their property.

The proposed assessment roll is on file for public inspection at the City Administrator's office. The total cost of the project is \$2,536,800. The total amount of the proposed assessment is \$638,073. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the City Administrator prior to the assessment hearing or presented to the presiding officer at the hearing. The council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the mayor and City Administrator of the city within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or administrator.

If an assessment is contested or there is an adjourned hearing, the following procedure may be followed:

1. The city will present its case first by calling witnesses who may testify by narrative or by examination, and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the city has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for questioning of the city's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota rules of evidence will not be strictly applied; however, they may be considered and argued to the council as to the weight of items of evidence or testimony presented to the council.
5. At the close of presentation of evidence, the objector may make a final presentation to the council based on the evidence and the law. No new evidence may be presented at this point.
6. The council may adopt the proposed assessment at the hearing.

Lorri Kopischke
City Administrator