

NOTICE OF HEARING ON PROPOSED ASSESSMENT

**6:30 p.m. October 21, 2019
Council Chambers, City Hall
Pipestone, Minnesota**

Notice is hereby given that the City Council will meet at approximately 6:30 p.m. on October 21, 2019 in the Council Chambers of City Hall to consider, and possibly adopt, the proposed assessment for the cost of improving:

1. A surface mill and bituminous overlay on Main Street between 3rd Avenue NW and TH 75 (8th Avenue NE), Hiawatha Avenue between 2nd Street SW and 2nd Street NW, 2nd Avenue NW between Main Street and 2nd Street NW, 3rd Avenue NW between Main Street and 2nd Street NW, the municipally owned parking lot adjacent to 2nd Avenue NW and 2nd Street NW, and the municipally owned parking lot adjacent to Hiawatha Avenue and 2nd Street SW. Adoption by the Council of the proposed assessment against abutting property may occur at the hearing.

Such assessment is proposed to be payable in equal annual installments extending over a period of ten (10) years, the first of the installments to be payable with the 2020 taxes, and will bear interest at the rate of three point seventy-five percent (3.75%) per annum from the date of the adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2019. To each subsequent installment when due shall be added interest for one (1) year on all unpaid installments.

You may at any time prior to certification of the assessment to the County Auditor, pay the assessment in part or in full on such property, to the City Treasurer. No interest shall be charged if the entire assessment is paid by November 27, 2019. You may at any time thereafter, pay to the County Auditor 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 three-point seventy-five percent (3.75%) per year. The right to partially prepay the assessment according to Ordinance 48, Third Series is available.

The proposed assessment roll is on file for public inspection at the City Administrator's office. The total amount of the proposed assessment for the surface mill and bituminous overlay on Main Street between 3rd Avenue NW and TH 75 (8th Avenue NE), Hiawatha Avenue between 2nd Street SW and 2nd Street NW, 2nd Avenue NW between Main Street and 2nd Street NW, 3rd Avenue NW between Main Street and 2nd Street NW, the municipally owned parking lot adjacent to 2nd Avenue NW and 2nd Street NW, and the municipally owned parking lot adjacent to Hiawatha Avenue and 2nd Street SW is \$103,496.58. 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.

If an assessment is contested or there is an adjourned hearing, the following procedure will 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. The entire proceedings will be video-taped.
6. 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.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes §429.081 by serving notice of the appeal upon the Mayor or City Administrator of the City within thirty (30) days after the adoption of the assessment and filing such notice with the district court within ten (10) days after service upon the Mayor or City Administrator.

Under Minnesota Statutes §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 person 65 years of age or older for whom it would be a hardship to make the payments. 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 Ordinance adopted under it, may, within thirty (30) 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.

/s/ Jeffrey R. Jones

Jeffrey R. Jones
City Administrator