



## City of Fairmont Notice of Hearing on Proposed Assessment

### TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council will meet at 5:30 p.m. on the 23<sup>rd</sup> day of October 2023, at City Hall, 100 Downtown Plaza, to pass upon the proposed assessment against benefiting property for the improvement of:

<u>Project No.</u>	<u>Description</u>
	<b><u>OVERLAY (assessed at \$32/front footage)</u></b>
8723001	Birch Street: Spruce Street to State Street
8723002	W. Christina Street: Lucia Avenue to North Avenue
8723003	Ida Street: Anna Street to Christina Street
8723004	Knollwood Drive: Deadend to Knollwood Intersection & Concrete Pavement to Lair Road
8723005	Southport Drive: Prairie Avenue to Deadend
8723006	Torgerson Drive: TH 15 to Deadend
8723007	TH 15 Service Road E: 8 <sup>th</sup> Street to Winnebago Avenue
	<b><u>SEAL COAT (assessed at \$2.50/front footage)</u></b>
7523001	Albion Avenue: State Street to Day Street
7523002	S. Elm Street: Deadend to Webster Street
7523003	Fairlakes Avenue: Lake Avenue to Gravel
7523004	Fairlakes Avenue: Deadend to Woodland Avenue
7523005	Holland Street: Lucia Avenue to Anna Street
7523006	Lair Road: CSAH 39 to Shoreacres Drive
7523007	Lake Avenue: Fairlakes Avenue to Bridge
7523008	Maple Street: Albion Avenue to Prairie Avenue
7523009	Margaret Street: Prairie Avenue to TH 15
7523010	S. Prairie Avenue: E. Belle Vue Road to Cardinal Street
7523011	TH 15 Service Road W: Deadend to Spruce Street
7523012	TH 15 Service Road W: 10 <sup>th</sup> Street to Winnebago Avenue
7523013	Victoria Street: Hampton Street to Prairie Avenue
7523014	Heritage Acres Margaret Street Trail I-90 Trail
8523001	<b><u>MISCELLANEOUS (charges vary)</u></b>

Benefiting property includes property abutting or property near to said improvements which utilize the improvements for access or for utility service.

The proposed assessment is on file for public inspection at the City Clerk's office. The total amount of the proposed improvements for all projects is \$971,807.43.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the Clerk prior to the 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 by calling witnesses who may testify by narrative or by examination, and by the introduction of exhibits. After each witness has testified, the contesting 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 objection'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, evidence or testimony presented to the Council.
5. The entire proceedings will be tape recorded.
  
6. At the close of the 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.

An owner may appeal an assessment to district court pursuant to Minnesota Statute Section 429.081 by serving notice of the appeal upon the Mayor or City Clerk 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 City Clerk; however, no appeal may be taken as to the amount of any individual assessment unless a written objection signed by the affected property owner is filed with the City Clerk prior to the assessment hearing or presented to the presiding officer at the hearing.

Under Minnesota Statutes, Sections 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment based on one of the following:

- 1) any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make payments.
- 2) persons retired as a result of a permanent and total disability.
- 3) undeveloped property.

When deferment of the special assessment has been granted and is terminated for any reason provided in the law, all amounts accumulated plus applicable interest becomes due. Any assessed property owner meeting the requirements of this law and the resolution adopted under it may, within thirty days of the confirmation of the assessment, apply to the City Clerk for the prescribed form for such deferral of payment of this special assessment on his/her property.

BY ORDER OF THE FAIRMONT CITY COUNCIL  
September 25, 2023

Patricia J. Monsen  
City Clerk

To Be Published in the Fairmont Sentinel:  
Wednesday, October 4, 2023