



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031  
www.fairmont.org

Phone (507) 238-9461

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## City of Fairmont

### **Published Notice of Hearing on Proposed Assessment of Unpaid and Delinquent City Service Charges**

#### **TO WHOM IT MAY CONCERN:**

Notice is hereby given that the City Council will meet at 5:30 p.m. on the 28<sup>th</sup> day of October, 2024, at City Hall, 100 Downtown Plaza, to consider the assessment of unpaid and delinquent charges for City Services.

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 City Clerk prior to the hearing or presented to the presiding officer at the hearing. The Council may consider any objection to the amount of a proposed individual assessment not passed upon at the noticed hearing at a subsequent adjourned hearing upon such further notice to the affected property owner(s) as it deems advisable. At the hearing or at any adjournment thereof the Council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The Council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands names in the assessment roll.

If the Council does not pass upon an objection and schedules a subsequent adjourned hearing, at the adjourned hearing the Council may hear further written or oral testimony on behalf of the objecting property owner and may consider further written or oral testimony from appropriate city officials and other witnesses as to the amount of the assessment. The Council shall prepare a record of the proceedings at the adjourned hearing and written findings as to the amount of the assessment. The amount of the assessment as finally determined by the Council shall become a part of the adopted assessment roll. All objections to assessments not received at the assessment hearing in the manner prescribed herein are waived, unless the failure to object at the assessment hearing is due to a reasonable cause.

If an objection to a proposed assessment is properly and timely made, or the Council directs a subsequent adjourned hearing to consider evidence and testimony related to one or more objections, 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 Council may question witnesses.



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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 legal 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 Mayor will close the hearing and no further testimony will be taken or evidence received. The City Council shall thereafter deliberate and pass upon the objection by either denying the objection or modifying the assessment amount based upon the evidence and testimony presented.

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 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 or retired by virtue of a permanent and total disability for whom it would be a hardship to make payments; or
- 2) owned by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in 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.

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.

The respective amounts proposed to be assessed is on file with the City Clerk. It is proposed that such assessment, may be adopted by the City Council at the above-referenced Council meeting. Assessments shall bear interest at a rate of 5% and shall be payable with the 2025



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property taxes. Within 30 days after the adoption of the assessment resolution, a property owner so assessed may pay the whole assessment or make a partial payment to the City of Fairmont directed to the City Finance Department at the above-mentioned address. **If paid within 30 days, no interest will be charged. An invoice after the assessment hearing noticed hereby has been held and will be sent to your attention as one final attempt to collect on this unpaid bill.**

BY ORDER OF THE FAIRMONT CITY COUNCIL  
October 14, 2024

Betsy Steuber  
City Clerk

To Be Published in the Fairmont Sentinel  
Wednesday, October 16, 2024