

Effective Date: March 7, 2006

Amendments: 06-05-07 **340A** / 08-02-22 **500A**

12.2.01. General Policy. It shall be the policy of the City to finance certain street and utility improvements by the methods prescribed in the Policy for Financing and Assessment of Public Improvements as adopted and periodically updated by City Council. The apportionment of the cost between benefited property and the City at large and the method of levying assessments prescribed in the Assessment Policy shall be followed in each case unless the Council, by resolution, finds that because of special circumstances, as provided for by Statute, a different policy shall be necessary or desirable. Any local improvement described in Minn. Stat., Chapter 429 and not specifically addressed by the Assessment Policy shall be financed as the Council determines to be most feasible and equitable in each case.

12.2.02. Applicable State Statutes. All procedures for the construction and financing of local improvements, when at least part of the cost shall be defrayed by special assessments against benefited property, shall conform with the applicable city policy and Minn. Stat., Chapter 429 and the definitions as set forth in the statutes.

12.2.03. Deferral of Special Assessments for Seniors and Retired, Disabled Homeowners.

Subd. 1. Legislative Authority. Pursuant to Minnesota Statutes Section 435.193, the City Council may defer special assessments levied against the homestead property of a senior citizen or retired, disabled homeowner for whom it would be a hardship to make the annual payments. The City Council will act on all deferral requests once an application, as adopted by the City, has been completed.

Subd. 2. Termination of Deferral Status. It shall be the duty of the applicant, his/her heirs or legal representative to notify the City Administrator of any changes in status which affect the eligibility for the deferral. Special assessments deferred pursuant to the eligibility requirements set forth herein shall terminate and become payable, together with accumulated interest, upon the occurrence of any one of the following events:

- a. **Transfer of Ownership:** The property is sold, transferred, subdivided or in any way conveyed to another by the individual for whom the deferral was granted.
- b. **Death of Owner:** The death of the owner qualified for the deferral, unless a surviving joint tenant or tenant in common is eligible for the deferral benefit provided herein.
- c. **Loss of Homestead Status:** The property loses its homestead status for any reason.
- d. **No Hardship:** The City Council determines that there would be no hardship to require an immediate or partial payment.

Subd. 3. Disability. Retirement by reason of permanent and total disability shall be deemed prima facie to exist when the applicant presents a sworn affidavit by a licensed medical doctor attesting that the applicant is unable to be gainfully employed because of a permanent and total disability in any occupation for which he/she may be qualified.