

**City of Falcon Heights  
2077 W. Larpenteur Ave  
Falcon Heights MN 55113**

**City Council Workshop  
May 2, 2007  
6:30 p.m.  
City Hall**

**WORKSHOP AGENDA**

**1. Draft Assessment Policy Discussion**

**TO: Mayor Gehrz, Council members Harris, Kuettel, Lindstrom and Talbot**

**FROM: Justin Miller, City Administrator; Roland Olson, Finance Director Deb Bloom, City Engineer; Tim Pittman, Parks and Public Works Director**

**Re: Draft Assessment Policy Discussion**

**Explanation:**

During previous workshops, city council and staff reviewed our current assessment manual and discussed several changes that needed to be made. Since this time, staff has drafted a new assessment manual to address areas of interest. Attached to this report is a draft that staff would like to receive comment on before presenting for formal consideration. Key areas of note include:

- 1) Street improvements (mill and overlay, reconstructions) and sanitary sewer projects will be assessed based on front footage in the following manner:
  - a. Residential properties 40% of the per-foot cost
  - b. Commercial properties 60% of the per-foot cost
  - c. Tax-exempt properties 100% of the per-foot cost
- 2) Corner lots will now be assessed based on the long side of the street rather than the short side.
- 3) Storm sewer assessments will be based on an area charge, with single-family residential properties paying the least, multi-family residential properties paying slightly more, and commercial/tax-exempt properties paying the most.
- 4) Alley improvements will continue to be assessed at 90% to homeowners, but in alleys that share both residential and commercial activity, a traffic study will be performed to estimate the impact of non-residential traffic and assessments may be adjusted to reflect estimated usage.
- 5) New sidewalk projects will be assessed based on front footage in the following manner:
  - a. Residential properties 25% of the per-foot cost
  - b. Commercial properties 40% of the per-foot cost
  - c. Tax-exempt properties 100% of the per-foot cost
- 6) The recommended interest rate and assessment periods are proposed to remain the same as the current policy.

Staff will be available at the workshop to more fully present the draft manual and to answer any questions.

City of Falcon Heights

Assessment Manual

The purpose of this assessment manual is to set forth a guide to be utilized by the City of Falcon Heights when preparing assessment rolls, so as to assure uniform and consistent treatment of the affected properties. It is the general policy of the City of Falcon Heights to assess all affected properties according to this policy without regard to funding source.

Minnesota state law, chapter 429.010 and 429.111 provides that a municipality shall have the power to make public improvements such as sanitary sewers, storm sewers, water source and distribution facilities, street improvements including grading, curb and gutter, surfacing, sidewalks, street lighting, landscaping, and recreational facilities, etc. The various procedures that the municipality must follow including reports, notices and public hearings are well defined within the law.

The statute further provides that the cost of any improvement may be assessed upon property benefited by the improvement based upon the benefits received whether or not the property abuts on the improvement and whether or not any part of the cost of the improvement is paid from other funding sources. The law is not specific on how these benefits are to be measured or how the costs are to be apportioned, but rather makes it incumbent upon the municipality to determine with assistance of the city engineer, city attorney, appraisers or other qualified personnel, a fair and equitable method of cost sharing among the properties involved. It is the intent of this policy that the maximum value of an assessment be based on the highest and best use of property.

Throughout this manual, the total cost of an improvement shall include the construction cost plus all associated overhead costs. The total cost of the associated overhead for a public improvement project would typically include city administration, engineering, fiscal, legal, capital interest, and contingencies. The actual overhead costs incurred will be tracked and charged to the project.

The initiation of public improvement projects may happen in two different methods. The first method is by a petition of the affected property owners. The petition must be signed by the owners of not less than 35 percent of the frontage of the real property abutting the proposed improvements. The second method is to initiate the proceedings by city council direction, in which case no petition is needed. An outline of the public improvement process is provided in the appendix.

Any reference to land zoning in this manual shall mean the most current approved city zoning map available at the time. It should be emphasized that the special assessment methods and policies summarized herein cannot be considered as all-inclusive and that unusual circumstances may at times justify special consideration. If the city should determine that the application of these policies results in an assessment amount greater than the increase in market value to any property, the city may limit the assessment to the increase in market value regardless of policy. Also, any fixed cost data and rates will be adjusted periodically so as to reflect current costs.

## I. Definitions

### A. Assessment Units

The following definitions refer to the assessment units to be used when determining various assessment rates as described in the remaining sections of this manual.

#### 1. Lot Unit

A lot unit is defined as a platted single family residential lot which, in accordance with Falcon Heights zoning and subdivision regulations, cannot be further subdivided.

#### 2. Gross Area

The total area, in acres or square feet, of a lot or parcel of land including any easements. The gross area of a lot or parcel of land does not include any of the abutting right-of-way.

#### 3. Front Footage

##### a. Single Frontage Lots

assessments

In platted areas, the front footage for purposes of front footage

shall be determined at the building setback line as described in the Falcon Heights zoning ordinance, and shall be measured parallel to the property line abutting the improvement.

##### b. Corner Lots

In the case of a street improvement project which abuts both sides of a corner lot, the lot shall be treated as an interior lot and the front footage shall be the long side of the lot. There will not be an additional assessment against corner lots for the side lot dimension. When the street improvement is only along the long side of the lot, the long side of the lot will be used for determination of assessable front footage. Projects along only the short side of the lot will not be assessed. If the property being assessed is a non-single family residential or tax-exempt parcel, both sides will be assessed.

For all other improvements such as sanitary sewer or water, the front footage shall be the footage established for the long side of the lot when both sides of the lot are being affected by the improvement. Where the proposed improvement project is only along the long side of a corner lot, the long side front footage shall be used for assessment purposes.

#### 4. Residential Equivalent Assessment Rate

The residential equivalent assessment rate shall be based on a portion of the cost of the street construction for a typical residential street section. This residential equivalent assessment rate shall be determined by the city council and based upon comparable project data available to the city.

B. General

1. Petition

Petition shall mean a written document presented to the city council for purposes of initiating a public improvement project. All signatures shall be accompanied by the address of each signator, the date of the signature and a printing of each signator's name. Only one signature per property is allowed. An example of the usual form of petition is included in the appendix.

2. Total Project Cost

Total project cost shall mean the final construction cost plus all associated overhead costs. Overhead costs shall include but not be limited to city administration, engineering, legal, fiscal, interest during construction, and land acquisition.

3. Assessment Period

The length of payment period on various types of improvement projects shall be as follows:

Sanitary sewer	10-15 years
Storm sewer	5-10 years
Street reconstruction	10-15 years
Street mill and overlay	5-7 years

In the case where several of the improvements listed above are included in the same project, the assessment period may be 10-15 years. In no event shall an assessment period exceed 15 years.

4. Assessment Interest Rate

The interest rate charged on assessments shall be set by the city council. Typically, the rate is set at about 2% over the general obligation bond rate used to fund the project. If no bond is issued for the improvement, the rate will be set at 2% over the projected general obligation rate as determined in consultation with the city's financial advisors.

5. Municipal State Aid (MSA) Streets

Municipal state aid streets are routes designated by the city council and approved by the commissioner of transportation for inclusion in the city's state aid system. All routes included begin and end on another municipal state aid road, county state aid road, or trunk highway and are eligible for the use of MSA construction funds.

6. Municipal State Aid Construction Funds

Municipal state aid construction funds are monies apportioned to the city from the state to be used for the construction of routes designated on the municipal state

aid system. All construction funded with these monies must be done in accordance with the MnDOT office of state aid design criteria.

7. Pending Assessment  
An assessment is pending against a particular property if the city has determined that the property is benefited by a public improvement project which has been ordered or constructed, but for which an assessment has not yet been levied against the property.
8. Federal and State Highways  
These streets are classified as expressways, freeways, and major arterials constructed and maintained by the Minnesota Department of Transportation. They carry large volumes of traffic at peak loading times. In Falcon Heights, Snelling Avenue is in this category. Assessments levied by the City of Falcon Heights will be based upon a residential equivalent assessment rate.
9. County State Aid Highways (CSAH)/County Road  
These streets are classified as major and minor arterials and collectors constructed and maintained by the Ramsey County public works department. These streets typically carry high volumes of traffic at peak loading times. In Falcon Heights the streets in this category include Larpenteur Avenue, Hamline Avenue (north of Larpenteur), Fairview Avenue, Cleveland Avenue and Fulham Street (north of Larpenteur). Assessments levied by the City of Falcon Heights will be based upon a residential equivalent assessment rate.
10. Deleted and incorporated into #5
11. Collector Streets  
Collector streets are those streets generally considered to collect traffic from specific areas of the city and convey it to arterial routes.
12. Residential Streets  
This is the minimum street design acceptable as a public street within new subdivisions or developments. They carry relatively small volumes of local neighborhood traffic. The typical urban residential street is 30 feet wide with concrete curb and gutter and a 7-ton design. If the street is to be designated as a municipal state aid street, it must meet applicable MnDOT standards.
13. Alley  
These are narrow paved surfaced driving areas constructed within city rights-of-way. They provide a means of ingress and egress to the rear of property. They are typically constructed to a 9-ton design in accordance with current MnDOT standards.
14. Appurtenances

- A. Pathways  
Pathways (also known as sidewalks or trails) are pedestrian and bicycle facilities running along the sides of streets.
- B. Street Lighting  
Street lights are provided to create a safer environment by reducing the amount of dark areas in a neighborhood. They can also be installed to create a more aesthetically pleasing, consistent theme in a neighborhood. Costs for installing non-standard streetlights shall be 100% assessed to benefiting property owners.
- C. Boulevard Trees  
Boulevard trees are planted along roadways to provide shade and create an aesthetically pleasing appearance. The city is responsible for pruning and removing trees located in the rights-of-way, while individual property owners are responsible for tree located on private property.
- D. Seeding/sodding  
Boulevard restoration by seeding/sodding is included in the construction costs as part of street improvement projects.

## **II. Assessment policy by project type**

- A. Sealcoating  
Sealcoating involves applying a thin coat of oil on the street and then laying gravel on top. Current city practice calls for this project to be performed every seven years. This type of project is considered routine maintenance and is funded without assessing benefiting property owners.
- B. Mill and Overlay  
Mill and overlay projects involve grinding the top few inches of roadway off and replacing it with a layer of asphalt. This type of repair can typically extend the life of the roadway by 15 years. Project costs will be calculated on a per-foot basis and assessments will be applied based on the property's front footage in the following manner:
  1. Residential properties – 40% of the per foot cost multiplied by the total front footage
  2. Commercial properties – 60% of the per foot cost multiplied by the total front footage
  3. Tax-Exempt properties – 100% of the per foot cost multiplied by the total front footage
- C. Roadway Reconstruction  
Reconstruction projects are typically more comprehensive and performed every 30 years. This type of project involves totally removing the existing roadway, replacing the base



materials, and oftentimes performing utility work (water, sewer, etc.) at the same time. Project costs will be calculated on a per-foot basis and assessments will be applied based on the property's front footage in the following manner:

1. Residential properties – 40% of the per foot cost multiplied by the total front footage
2. Commercial properties – 60% of the per foot cost multiplied by the total front footage
3. Tax-Exempt properties – 100% of the per foot cost multiplied by the total front footage

D. Alleys

For the most part, alleys in the City of Falcon Heights serve a private residential purpose. As such, maintenance and repair of the alleys are the responsibility of the property owners. Project costs will be calculated on a per-foot basis and assessments will be applied based on the property's front footage in the following manner:

1. Residential properties – 90% of the per foot cost multiplied by the total front footage

For alleys which also serve non-residential purposes, a traffic study will be performed to determine the amount of traffic created by the non-residential users and the assessment amounts will be altered to reflect estimated usage. It is the intent of this policy to set the assessment amount as fairly as possible, using best engineering practices, for all benefiting property owners.

E. Sanitary Sewers

Periodically sanitary sewer systems need to be replaced or have major repairs conducted. Usually these repairs are coordinated to occur at the same time as road reconstruction projects to eliminate redundant road repairs. Sanitary sewer project costs will be calculated on a per-foot basis and assessments will be applied based on the property's front footage in the following manner:

1. Residential properties – 40% of the per foot cost multiplied by the total front footage
2. Commercial properties – 60% of the per foot cost multiplied by the total front footage
3. Tax-Exempt properties – 100% of the per foot cost multiplied by the total front footage

The City of Falcon Heights (or its contractors) will only conduct work in the public right-of-way. At the discretion of the city, work on private property may be performed but only after receiving a written request from the property owner and the entire cost of the private repair will be assessed to the benefiting property owner.

If a project is being completed on a public street, property owners on private streets receive a benefit of the improvement without having front footage on the public street. A traffic study may be performed to determine the amount of traffic created by the private

street users and the assessment amounts will be altered to reflect estimated usage. It is the intent of this policy to set the assessment amount as fairly as possible, using best engineering practices, for all benefiting property owners.

F. Storm Sewers

1. Definitions

A. Storm Sewer Trunk Facilities

Ponds

A basin or wetland constructed or naturally located within a permanent easement for the purpose of containing storm runoff. May be either a retention (permanent) pond, detention (temporary) pond, or a combination of both.

Pipe Network

A network of pipes ranging in size generally from 30 inches through 60 inches. The trunk pipe networks are designed to collect storm run-off from an area generally larger than 10 acres.

Channels

An open ditch conveyance network constructed within permanent easements for the purposes of transporting storm run-off.

B. Storm Sewer Lateral Facilities

A network of pipes ranging in size generally from 12 inches to 27 inches designed to collect storm run-off from a specified small area to a trunk facility. The lateral facilities also include street overland flow and inlet structures such as catch basins, manholes and flared end sections.

2. Determining Storm Sewer Assessment Rates

A. Storm Sewer Trunk Rates

Design and estimate of the total improvement cost of the ultimate trunk system needed to provide complete service to each property in the Service District considered. Then use one half of the total improvement cost to determine the base assessment rate.

B. Determine the base assessment rate by dividing one half of the ultimate system cost described above by the sum total of the following:

- 1) Gross area of single family residential properties times 1.0
- 2) Gross area of multi-unit residential, properties times 1.50

3) Gross area of commercial property times 2.5

C. Assessment rates would be set as follows:

The base rate shall apply to single-family residential properties.

The base rate times 1.50 shall apply to multi-unit residential properties.

The base rate times 2.5 shall apply to commercial and tax-exempt properties.

3. Storm Sewer Lateral Rates

One half of the lateral storm sewer project costs shall be assessed on an area basis. This method would be similar to determining the storm sewer trunk rates as described above.

G. Sidewalks, trails and pathways

Off-street facilities provide a safe walking alternative for pedestrians. As such, the City of Falcon Heights recognizes the importance of these facilities and will construct them when possible. Project costs will be calculated on a per-foot basis and assessments will be applied based on the property's front footage in the following manner:

1. Residential properties – 25% of the per foot cost multiplied by the total front footage
2. Commercial properties – 40% of the per foot cost multiplied by the total front footage
3. Tax-Exempt properties – 100% of the per foot cost multiplied by the total front footage

## VI. HARDSHIP DEFERRAL OF ASSESSMENTS

### A. Eligibility for Deferral

1. The City Council may approve deferral of payments for homestead property as authorized by Minnesota Statutes 435.193 if the owner:
  - a) is at least 65 years old or on permanent total disability retirement, and
  - b) has annual gross income from all sources less than 50% of the latest median income as determined by the U.S. Department of Housing and Urban Development, and
  - c) is a person for whom it would be a hardship to make the payments.
2. The City Council may determine the length of the deferral and may terminate the deferral if the owner dies and the spouse is not eligible, if the property is sold, if the property is no longer classified as a homestead property, or the City Council determines there is no longer hardship to require immediate or partial payment.
3. The City may determine the amount of interest on the deferred assessment, whether it will be simple interest or compound interest, and the time that interest payments are to be made.

*Appendix Index*

1. Typical Minnesota Statute 429 Improvement Project Process
2. Typical Petition Forms
3. Sample Resolutions
4. Deferral Forms

DRAFT

## TYPICAL MINNESOTA STATUTE 429

### IMPROVEMENT PROJECT PROCESS

1. Project Initiation
  - a. Petition of more than 35 percent of affected property owners.
  - b. City Council action.
2. Resolution ordering preparation of report on improvement and declaring adequacy of petition if appropriate.

Note: This resolution should be published in the official newspaper after adoption. Unless there is a challenge to the determination of adequacy within 30 days, the determination cannot be challenged in the future.

3. Engineer's Report
  - a. Feasibility of proposed improvement.
  - b. Whether improvements should be made as proposed or with other improvements.
  - c. Cost of improvement as recommended.
  - d. Need for improvements.
4. Resolution receiving the feasibility report and calling for hearing on the improvement.

Note: If 100% of affected property owners petition for the improvement, they may also waive their rights to this public hearing.
5. Notice of Public Hearing
  - a. Time and place of hearing
  - b. General nature of improvement
  - c. Estimated cost of improvement/assessment
  - d. Proposed area to be assessed.
  - e. Notice must be published twice (one week apart) in the official newspaper; three days must elapse between the last publication date and the hearing.
  - f. Notice must be mailed to owner of each parcel within the area to be assessed not less than ten days prior to the hearing.
6. Resolution ordering the improvement and preparation of plans and specifications.

Note: This action may be taken any time within 6 months after the public hearing. Beyond that a new public hearing must be held. If the project was initiated by petition of the owners of less than 35 percent of the frontage, this resolution must be adopted by at least a 4/5 vote.
7. Resolution approving the plans and specifications and ordering the advertisement for bids.

Note: If the estimated construction cost is under \$100,000 at least ten days must elapse

between the first advertisement and the bid opening. Over \$100,000 at least three weeks (21 days) must elapse.

8. Resolution accepting the bids and directing the Mayor and City Administrator to enter into a contract with the lowest responsible bidder must be done within one year of resolution ordering improvement.
9. Contractor/City paperwork prior to commencing construction.
  - a. Issue Notice of Award and Contract
  - b. Contractor resubmits signed notice of award, contract, performance bond and insurance documents.
  - c. Pre-Construction Meeting
    - Discuss scheduling of construction
    - Staking
    - Conflicts with utilities
  - d. Issue Notice to Proceed
  - e. Contractor resubmits signed Notice to Proceed
  - f. Construction begins
10. During construction phase, partial pay estimates and change orders are presented to the City Council for action.
11. Resolution determining cost to be assessed and ordering the preparation of proposed assessment roll.
12. City staff and City Engineer prepare and file assessment roll.
13. Notice of hearing on proposed assessment.

Note: Notice must be published one or more times in the official newspaper at least two weeks prior to the meeting. Notice must contain the following items:

  - a. Date, time and place of hearing.
  - b. General nature of the improvements.
  - c. Area proposed to be assessed.
  - d. Total amount of the proposed assessment.
  - e. That the proposed assessment roll is on file with the Clerk.
  - f. That written and oral objections will be considered.
  - g. That no appeal of the amount of any assessment may be made unless a written objection signed by property owners is filed with the Clerk prior to the hearing or presented to the presiding officer at the hearing.
  - h. That an appeal to district court may be made by serving notice upon the Mayor or Clerk within 30 days of the adoption of the assessment roll and filing such notice with the district court within 10 days after service upon the Mayor and Clerk.
  - i. Whether the City has adopted any deferment ordinance or resolution and its basic substance.

j. Substance of Minnesota Statute 435.193 through 435.195.

Notice must be mailed to each parcel owner described on the Assessment roll not less than two weeks prior to the hearing.

14. In addition to the items listed above, the mailed notice must include the following:

- a. Amount to be assessed against the particular parcel.
- b. That the assessment amount may be prepaid and to whom.
- c. Whether partial prepayment has been authorized by ordinance.
- d. Time within which prepayment may be made without interest.
- e. Rate of interest to be accrued if assessment is not prepaid.

14. Public hearing and resolution adopting assessment roll.

15. Appeals to District Court.

Note: In order to appeal to district court, the property owner must serve notice upon the Mayor or City Clerk within 30 days of adoption of the assessment roll. They can only do this after having filed a written signed objection prior to the assessment hearing or having presented same to the presiding officer at the hearing. The notice of appeal must be filed with the Clerk of the district court within ten (10) days after service on the City.

PETITION FOR LOCAL IMPROVEMENT



City of Falcon Heights, Minnesota \_\_\_\_\_, 20\_\_\_\_

To the City Council of Falcon Heights, Minnesota:

We, the undersigned, owners of not less than 35 percent in frontage of the real property abutting on \_\_\_\_\_ Street, between the \_\_\_\_\_ line of \_\_\_\_\_ Street and the \_\_\_\_\_ line of \_\_\_\_\_ Street hereby petition that such street is improved by \_\_\_\_\_ pursuant to Minnesota Statutes, Chapter 429.

DATE	SIGNATURE OF OWNER	PRINT NAME OF OWNER
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

\_\_\_\_\_  
City Clerk

***CITY OF FALCON HEIGHTS***

**RESOLUTION NO. 2008-01**

September 28, 2008

**RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORTS  
FOR XYZ STREET RECONSTRUCTION PROJECT**

WHEREAS, the Council has reviewed the street construction needs of XYZ Avenue in the City and has tentatively selected the segment of XYZ between Snelling and Hamline Avenues for reconstruction in 2006; and

WHEREAS, it is proposed to improve this section of City of Falcon Heights street system as described above by completing the following work: sidewalk construction, bituminous paving, concrete curb and gutter, storm sewer, and necessary appurtenances, and to assess the benefited property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Section 429.011 to 429.111:

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota as follows:

1. The segment of XYZ Avenue between Snelling Avenue and Hamline Avenue is hereby approved for consideration of reconstruction.
2. The proposed improvements are referred to the City Engineer for study and she is instructed to report to the Council with all convenient speed, advising the Council in a preliminary way as to whether they should best be made as proposed or in connection with some other improvements, and the estimated cost of the improvements as recommended.

Whereupon said resolution was declared duly passed and adopted.

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**CITY OF FALCON HEIGHTS**  
**RESOLUTION NO. 07-02**  
**March 8, 2007**

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**RESOLUTION RECEIVING FEASIBILITY REPORT ON XYZ AVENUE  
RECONSTRUCTION PROJECT AND ORDERING PUBLIC HEARINGS**

**BE IT RESOLVED by the Council of the City of Falcon Heights as follows:**

1. By resolution adopted January 25, 2006, the Council directed the City Engineer to prepare preliminary reports as to the feasibility of the proposed improvements:  
  
XYZ Avenue (between Snelling and Hamline Avenues)
  2. The City Engineer was also directed to include in the report the estimated cost of the proposed improvements. The preliminary report and cost estimates have been submitted and considered by the Council and are hereby approved and directed to be placed on file in the office of the City Administrator. The improvements proposed to be made in the general manner set forth in the report are designated as XYZ Drive Reconstruction.
  3. The Council shall meet at the City Hall, 2077 West Larpenteur Avenue, in said City, on April 26, 2006 at 7:00 p.m. for the purpose of holding a public hearing on the proposed improvements under and pursuant to the provisions of Minnesota Statutes, Chapter 429, and the Administrator is hereby authorized and directed to cause notice of the time, place, and purpose of that meeting to be published twice in the official newspaper, *Roseville Review*, which publications shall be a week apart, and the second publication shall be not less than three days before the date of the hearing.
  4. The general nature, estimated cost and area proposed to be assessed for XYZ Avenue and Snelling Drive Reconstruction are determined to be as stated in the foregoing notice, as fully as though the same were separately set forth and resolved herein.
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NOTICE OF HEARING ON ASSESSMENTS  
FOR XYZ AVENUE  
CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the Council of the City of Falcon Heights, Minnesota, will meet in the Council Chambers of the City Hall, 2077 Larpenteur Avenue, in said City on Wednesday, February 28, 2007 at 7:00 o'clock p.m. to hear, consider, and pass upon any and all written or oral objections which may be offered with respect to the proposed special assessments for sanitary sewer service repairs completed as a part of the XYZ Reconstruction Project. The Council may adopt the proposed assessment at the hearing.

The proposed assessment roll is now on file and open to public inspection by all persons interested in the office of the City Administrator. The entire amount assessed against each parcel of land will be payable, unless prepaid, in ten (10) equal consecutive annual installments, the first of such installments to be payable with general taxes levied in 2007, collectible with such taxes during the year of 2008. The first installment will be payable with interest at the rate of 6.25 percent per annum on the entire assessment from the date of the resolution levying the same to December 31, 2007, and each subsequent installment will be payable with one year's interest at said rate on all unpaid installments, except that no interest will be charged if the entire assessment as to any parcel is paid at the office of the Treasurer within thirty (30) days from the date of adoption of the assessment roll.

The general nature of the XYZ Avenue Reconstruction Project now being assessed is for the reconstruction of private sanitary sewer services and necessary appurtenances.

The total cost of the improvement to be assessed is \$12,290.20

THE FOLLOWING PROPERTY IDENTIFICATION NUMBERS ARE PROPOSED TO BE ASSESSED:

000111000222	1397 XYZ
000222000333	1403 XYZ
000333000444	1405 XYZ
000444000555	1415 XYZ
000555000666	1443 XYZ

Oral or written objections by any property owner will be considered at the hearing.

An owner may appeal an assessment to district court pursuant to Minnesota Statute, 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within 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 and Administrator. No appeal may be taken as to the amount of any assessment adopted unless a written objection signed by the affected property owners is filed with the City Administrator prior to the assessment hearing or presented to the presiding officer

at the hearing.

Pursuant to Minnesota Statute Section 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 or retired by virtue of a permanent and total disability 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 becomes due. Any assessed property owner meeting the requirements of that law and the resolution adopted under it may, within 30 days of the confirmation of the assessment, or upon reaching the age to become eligible for the deferment, apply to the City Administrator on the prescribed form for such deferment of payment of this special assessment on his property.

Dated: January 24, 2007

BY ORDER OF THE CITY COUNCIL

City Administrator

DRAFT

**CITY OF FALCON HEIGHTS  
RESOLUTION NO. 07-03**

**RESOLUTION ORDERING THE RECONSTRUCTION OF  
XYZ AVENUE**

WHEREAS, the City Council of Falcon Heights received the Feasibility report on December 14, 2005 and ordered a public hearing for the reconstruction of XYZ Avenue between Snelling Avenue and Hamline Avenue, and;

WHEREAS, ten days mailed notice and two weeks published notice was given;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Roseville, Minnesota, that in accordance with the provisions of Minnesota Statutes, Chapter 429, as amended, the Council held a public hearing on January 25, 2006, to consider the proposed reconstruction of XYZ Avenue, consisting of the installation of bituminous paving, concrete curb and gutter, sanitary sewer service repair, drainage facilities, and necessary appurtenances on all that property abutting:

PID	Address
000111000222	1910 XYZ Avenue
000222000333	1444 XYZ Avenue
000444000555	1912 XYZ Avenue
000555000666	1913 XYZ Avenue

as described in the Notice of Hearings at a cost presently estimated at \$1,131,996.54 and substantially in accordance with the preliminary report as to the feasibility thereof which is now on file in the office of the City Manager; at which all persons desiring to be heard were given an opportunity to be heard thereon, and having considered the views of all interested persons, the Council does hereby determine and order that said improvement shall be constructed and financed and that all streets be constructed substantially as recommended in the feasibility report. The City Engineer for the project is directed to prepare and submit to the Council the final plans and specifications for the improvement.

**CITY OF FALCON HEIGHTS  
RESOLUTION 07-04**

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
AND ORDERING ADVERTISEMENT FOR BIDS  
FOR XYZ AVENUE RECONSTRUCTION**

WHEREAS, pursuant to resolution passed by the City Council, the City Engineer has prepared plans and specifications for the reconstruction of XYZ Avenue between Snelling Avenue and Hamline Avenue, and has presented such plans and specifications to the Council for approval:

THEREFORE, BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

1. Such plans and specifications, copies of which are attached hereto, and made a part hereof, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the *Roseville Review*, the official newspaper, and in the *Construction Bulletin*, an advertisement for bids upon the making of such approved plans and specifications. The advertisement for bids for XYZ Avenue Reconstruction shall be published as required by law, shall specify the work to be done, shall call the bids on the basis of cash payment for such work, shall state the date and time that the bids will be received by the City Administrator and City Engineer at which time they will be publicly opened in the City Hall by the City Engineer and subsequently be considered by the Council; and that no bids will be considered unless sealed and filed with the Administrator and accompanied by a cash deposit, certified check or bid bond payable to the City of Falcon Heights for ten percent of the amount of such bid.

**CITY OF FALCON HEIGHTS**  
**RESOLUTION No: 2007-05**  
**April 12, 2006**

**AWARDING BIDS FOR XYZ AVE RECONSTRUCTION**

WHEREAS, pursuant to advertisement for bids for the improvement, according to the plans and specifications thereof on file in the office of the Administrator of said City, said bids were received on Wednesday, March 22, 2006, at 3:00 p.m., opened and tabulated according to law and the following bids were received complying with the advertisement:

BIDDER	AMOUNT
Contractor A	\$837,872.05
Contractor B	\$856,341.41
Contractor C	\$862,949.65
Contractor D	\$992,212.92
Contractor E	\$1,055,872.81

WHEREAS, it appears that Contractor A is the lowest responsible bidder at the tabulated price of \$837,872.05 and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

1. The Mayor and Administrator are hereby authorized and directed to enter into a contract with Contractor A, for \$837,872.05 in the name of the City of Falcon Heights for the above improvements according to the plans and specifications thereof heretofore approved by the City Council and on file in the office of the City Administrator.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids except the deposits of the successful bidder and the next lowest bidder shall be retained until contracts have been signed.



**CITY OF FALCON HEIGHTS  
RESOLUTION NO. 2007-06**

**RESOLUTION DECLARING COST TO BE ASSESSED  
RECEIVING PROPOSED SPECIAL  
ASSESSMENT ROLL AND PROVIDING FOR HEARINGS  
FOR THE HAMLINE/ HOYT RECONSTRUCTION PROJECT**

WHEREAS, contracts have been let and costs have been determined for the XYZ Avenue Reconstruction project on all that property adjacent to the road for the reconstruction of the street by the installation of bituminous paving, concrete curb and gutter, storm sewer, landscaping, utility repair, and necessary appurtenances; and

WHEREAS, the forgoing is in the area described in the legal notice relating to the original hearing on the improvements and the resolutions relating thereto, and the City will pay \$572,639.80 as its share of the cost. The cost to be specifically assessed is hereby declared to be \$16,819.82; and

BE IT RESOLVED by the Council of the City of Falcon Heights, that the proposed 2006 assessment roll for the XYZ Avenue reconstruction project now on file and open to public inspection in the office of the City Administrator is approved, and the Administrator is directed to publish and mail notices stating that the Council will meet to consider the proposed assessments on November 8, 2006, at the City Hall, 2077 Larpenteur Avenue W, in the City of Falcon Heights at 7:00 o'clock p.m.

The notices shall state the date, time, and place of the meeting, the general nature of said improvement, the area proposed to be assessed, the total amount of the proposed assessment, that the proposed assessment roll is on file with the Administrator, that written or oral objections thereto by any property owner will be considered, and shall contain such other provisions as may be required by law. The first installment will be payable with interest at the rate of 6.25 percent per annum on the entire assessment from the date of the resolution levying the same to December 31, 2006, and each subsequent installment will be payable with one year's interest at said rate on all unpaid installments, except that no interest will be charged if the entire assessment as to any parcel is paid at the office of the Treasurer within 30 days from the adoption of the assessment roll.

It shall be published in the official newspaper of the City at least once, and shall be mailed to the owner of each parcel described in the assessment roll, not less than two weeks prior to the date of said meeting. For the purpose of such mailed notice, owners of said parcels shall be those shown as such on the records of the County Treasurer. Every property owner whose name does not appear on such records (other than owners of property which is tax exempt or is taxed on a gross earning basis) shall be deemed to have waived such mailed notice unless he had requested in writing that the County Treasurer include his name on the records for this purpose.

**APPLICATION FOR DEFERMENT OF SPECIAL ASSESSMENTS**

To the City Council of the City of Falcon Heights, Ramsey County, Minnesota.

\_\_\_\_\_ (Applicant) being first duly sworn  
deposes and states:

1. That Applicant is the owner of the following described real estate located in the City of Falcon Heights, Ramsey County, Minnesota:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

2. Pursuant to Minn. Stat. S435.193, et. seq. and Falcon Heights Council Resolution 2008-10, Applicant requests deferral of the payment of special assessment for the \_\_\_\_\_ improvement.

3. In support of this request, Applicant represents as follows:

- a. Applicant is over 65 years of age;
- b. Applicant is permanently and totally disabled as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

c. Applicant's annual gross income plus tax-exempt income is \$ \_\_\_\_\_.

4. Applicant declares that the foregoing information is true and correct and agreed to immediately inform the Falcon Heights City Administrator should any of the foregoing information change, and agrees that if the deferral is granted, Applicant will immediately upon termination of the deferral pay to the City the deferred assessment with interest.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Applicant

**CITY OF FALCON HEIGHTS  
RESOLUTION NO. 2007-06**

**A RESOLUTION OF THE CITY OF FALCON HEIGHTS  
APPROVING DEFERRED ASSESSMENTS**

WHEREAS, the Applicant has presented to the City Council an application for deferral special assessments pursuant to law; and

WHEREAS, the Applicant is over age 65, totally and permanently disabled and meets the other requirements for deferral of special assessments;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Falcon Heights, Minnesota as follows:

1. \_\_\_\_\_ (the Applicant) is hereby granted deferral of payment of special for the \_\_\_\_\_ Improvement on parcel number \_\_\_\_\_ on the following conditions:

2. That the conditions described in the application for deferral continue to exist.

3. This deferral shall terminate after a period of \_\_\_\_\_ years.

4. This deferral shall terminate upon:

- a. Applicants death, provided that the spouse is otherwise not eligible for the benefits hereunder;
- b. The sale, transfer or subdivision of the property or any part thereof;
- c. If the property should, for any reason, lose its homestead status;
- d. If for any reason the City Council determines that there would be no hardship to require immediate or partial payment.

2. Those sums otherwise due and payable for the special assessments shall accrue interest at the rate of \_\_\_\_\_%, which interest shall be paid with property taxes during the deferral period.

Done at a \_\_\_\_\_ meeting of the City Council of the City of Falcon Heights this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DRAFT