

The purpose of this Assessment policy is to guide the Special Assessment process for the City of Rochester and to establish a consistent method of recovering and distributing the cost of public Improvements and capital programming. The procedures used by the City of Rochester for levying special assessments are those specified by Minnesota Statute Chapter 429, which provides “the cost of any improvement, or any part thereof, may be assessed upon property benefited by the improvement.”

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SECTION 1

GENERAL POLICY STATEMENT

Special Assessments must meet the following criteria:

- The land receives a special benefit from the improvement.
- The assessment does not exceed the special benefit measured by the increase in market value due to the improvement.
- The assessment must be uniform as applied to the same class of property, in the assessed area.

It is important to recognize that the actual cost of extending an improvement past a particular parcel is not the determining factor in identifying the amount to be assessed. The entire project shall be considered as a whole for the purpose of calculating and computing an Assessment Rate. However, the amount of a special assessment cannot exceed the special benefit to the property as measured by increase in market value due to the improvement.

The City must recover the expense of installing public Improvements, while ensuring that each parcel pays its share of the Project Cost in accordance with these assessment guidelines. It is important that assessments be implemented in a reasonable and consistent manner. There may be exceptions to the policy or unique circumstances or situations that may require special consideration and discretion by City staff and the City Council.

SECTION 2 DEFINITIONS

- A. **“Assessable Cost”** – The Assessable Cost of an Improvement is equal to the “Project Cost” less the “City Cost”.
- B. **“City Oversizing”** – City Oversizing is the excess cost, which in the opinion of the Council is not directly attributable to the area served or where unusual conditions beyond the control of the owners of the property in the area served by the Improvement would result in an inequitable distribution of special assessments and therefore should not be assessed against the properties in the project. An example is a utility pipe that serves a much larger area and thus requires a larger diameter than would be required for the direct Project area.
- C. **“Feasibility Report”** – A report including the estimated cost of the Improvement, a reasonable estimate of the total amount to be assessed, and a description of the methodology used to calculate individual assessments for affected parcels. The report is authorized by the City Council if the proposed Improvement is considered necessary, cost-effective, and feasible.
- D. **“Financing Charges”** – Financing Charges include all costs of financing the project, including, but not limited to, financial consultant’s fees, bond attorney’s fees, and capitalized interest. Financing Charges are part of the Project Costs.
- E. **“Improvement” or “Improvement Project”** – Improvement or Improvement Project is infrastructure for which the City is considering imposing Special Assessments pursuant to Minnesota Statutes §§429.011 – 429.101.
- F. **“Project Costs”** – The Project Costs of an Improvement include the costs of all necessary construction work required to accomplish the Improvement, plus engineering, legal, administrative, Financing Charges, and other contingent costs, including acquisition of rights-of-way and other property.
- G. **“Assessment Rate”** – The Assessment Rate for any special assessment is computed by distributing 25% of the eligible construction items across the parcels on the project based on the Olmsted County Assessor’s Estimated Market Value Total (EMV Total) percentage share.

SECTION 3

FINANCING OF PUBLIC IMPROVEMENTS

- A. General policy of the City requires future development to pay for itself; for it to occur in an orderly manner consistent with the City's Comprehensive Plan and typically contiguous to existing development areas. General policy of the City also requires all new development areas provide adequate public infrastructure at a developer's sole expense, and in accordance with the City's Comprehensive Plan and Ordinances.
- B. Special assessments are typically utilized by the City to finance needed public Improvements in areas previously developed without the necessary infrastructure, or to repair and/or replace aging infrastructure.
- C. The City may finance all or part of an Improvement as a Special Assessment.
- D. Special Assessments are a means by which areas can obtain Improvements or services; however, the method of financing these is a critical factor to both the City and the property owner. Full Project Costs spread over a very short term may impose an undue burden on the property owner, and likewise City costs and systems costs spread over a long period of time can produce an undue financial burden on the City's taxpayers.
- E. Once the City Council has determined that a certain public Improvement is necessary and desirable, the general success and acceptance of the Improvement is dependent upon levying the cost consistently.
- F. Pursuant to Minnesota Statutes sections 435.193 through 435.195, the City adopted standards so as to allow the deferment of payment of assessments for any homestead property owned by a person 65 year 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; or 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. The following standards and guidelines are established per resolution 141-10.
 - The income threshold for eligibility of those applicants 65 years of age and older or disabled by established by the most recent HUD "Very Low Income" standards for Rochester, Minnesota. Income eligibility would be determined by the submittal of the most recent federal tax filing form.
 - Eligibility for a permanent or total disabled status shall be determined by a statement by a medical doctor attesting to the fact or by submittal of a copy of a social security disability certification.

- Interest, in the amount assessed against other properties in the assessment project, be charged against the outstanding deferred assessment amount until the assessment is paid.
- The deferral of assessments can only apply to an individual's homestead property, and only upon those properties in good standing with the City, upon which there are no outstanding building or zoning code violations.
- The deferment is terminated and all accumulated amounts, plus interest, become payable upon any of the following:
 1. The death of the owner (if a surviving spouse is not eligible for the deferment).
 2. The sale, transfer, or subdivision of any part of the property.
 3. The Loss of homestead status of the property.
 4. A determination by the Common Council that requiring immediate or partial payment would no longer impose a hardship.
 5. For those special assessment deferrals based upon active military deployment, the deferment shall be terminated after a period of no more than three (3) years from the start of active military duty, except in cases where the Council determines that extended active deployments or other unique circumstances impose a hardship, in which case the Council may extend the deferment termination date until such time it determines a hardship no longer exists.

SECTION 4

GENERAL ASSESSMENT POLICIES

The cost of any Improvement shall be assessed upon property benefited by the Improvements, based upon the benefits received. The following general principles shall be used as a basis for the assessment.

- A. The City will hold an assessment hearing for adoption of the Special Assessments and thereafter, will certify the assessments to Olmsted County by December 31st of the year of substantial completion of the Improvement. Special assessments against properties abutting an Improvement or property within the project will be levied as soon as possible after the Improvement is completed, unless exempted pursuant to an assessment waiver or otherwise as approved by the City Council. Property owners may pay all or a portion of their assessments, interest free, for a period of 30 days after Improvement has been completed and levied but prior to certification to Olmsted County.
- B. The City may pay a portion of the cost of an Improvement from other City funds available for the purpose. The City may subsequently reimburse itself for all or a portion of the cost of a water, storm sewer, or sanitary sewer Improvement paid by levying additional assessments upon properties abutting the Improvement that were not previously assessed for the Improvement, after proper notice and hearing is provided.
- C. The City may pay for City Oversizing in a project.
- D. Benefits received by non-abutting property may be designated as a deferred assessment to be levied (with interest, the rate being set by the council) after a certain number of years or after subsequent Improvements are made extending the project to abut the property.
- E. Under Minnesota Statutes, Section 429.051 and 429.052, the City does not defer assessments for areas outside of City, but rather assumes any non-assessable costs as a municipal obligation. When property is annexed and served by the original Improvement, the City can then create a new assessment to be reimbursed for all or any portion of the prior assumed municipal costs, including interest, related to the Improvement.
- F. Frontage roads along highways or other arterial streets are deemed to be of special benefit to abutting properties and therefore, the costs of Improvements on frontage roads may be assessed against the benefited property even though those properties may be located only on one side of the frontage road.
- G. Publicly owned properties, other than State and Federal properties, including municipal building sites, schools, parks, and playgrounds, but not including public streets and alleys, are regarded as being assessable on the same basis as if such property were privately owned.
- H. Improvements specifically designed for or shown to be of direct benefit to one or more properties may be constructed by the City. The costs for these Improvements will be assessed 100% directly to such properties and will not be included in the assessments for the remainder of the project. As an example, where utility service lines are run from the main line to the property line, that property may be assessed separately for that portion of the Improvement, which will be in addition to the overall Improvement Project.

- I. In the event the City staff has doubt as to whether the proposed assessments exceed the special benefit to the property in question (increased property value as defined by State law), the City Council may order benefit appraisals as deemed necessary to support the proposed assessments.

SECTION 5

INITIATION OF PUBLIC IMPROVEMENT PROJECTS

Public Improvement Projects not included in the Capital Improvement Plan (CIP) can be initiated with the following actions:

A. Public Improvements initiated by petition

- Public Improvement Projects may be initiated by petition of owners abutting the proposed Improvements. Procedures depend on the percentage of owners participating in the petition.
- Public Improvement Projects initiated by owners of at least 35 percent, but less than 100 percent of property frontage abutting the proposed Improvements require a public hearing. A resolution ordering the Improvements requires a majority vote of the Council.
- Public Improvement Projects initiated by owners of 100 percent of the property frontage abutting the proposed Improvements do not require a public hearing. A resolution ordering the Improvements requires a majority vote of the Council.

B. Public Improvements initiated by the City Council

- Public Improvement Projects with less than 35 percent of owners of property frontage abutting the proposed Improvements require initiation by the City Council by ordering a Feasibility Report.
- Public Improvements which are not part of the CIP may be initiated by the City Council when, in its judgment, such action is required. A resolution ordering any Council initiated Improvements requires a four-fifths majority vote of all members of the Council, rather than a simple majority.
- Public Improvements which are not part of the CIP and initiated by the City Council also require a public hearing. The City Council shall begin this process by ordering a Feasibility Report.

C. New Developments

Minimum Improvements required in new additions are street grading and surfacing, concrete curb and gutter, concrete sidewalk, sanitary sewer, watermain, storm sewer, and service connections stubbed into the boulevard. These Improvements shall be constructed in conformance with City requirements and paid for entirely by the developer under a City Owner contract with the city.

SECTION 6

PUBLIC IMPROVEMENT PROCEDURES

The following is the general procedure, which shall be followed by the City Council for all public Improvement Projects from initiation of such a project through certification of the assessment role to the County Auditor.

- A. Projects are initiated upon Council's desire, citizen request via petition, or another agency's request.
- B. City Engineer verifies petition for submission to Council if proposal is presented by petitioners, otherwise Council initiates project.
- C. Council accepts or rejects petition. If accepted, Council orders preparation of Feasibility Report.
- D. City Engineer prepares Feasibility Report on the proposed Improvement based on whether it is necessary, cost effective, and feasible.
- E. Council accepts or rejects Feasibility Report. If accepted, Council orders public hearing on the Improvements. A public hearing is not required with petition signed by 100 percent of affected property owners.
- F. City Clerk publishes project hearing notice and mails notices to the affected property owners.
- G. Council conducts public hearing and adopts or rejects resolution ordering Improvement and preparation of plans. Bonds to finance Project Costs may be issued at any time after the Improvements are ordered.
- H. Council orders assessment hearing on Improvements and requests preparation of Assessment Roll.
- I. City Clerk publishes assessment hearing notice and mails notice of hearing on proposed assessments to the affected property owners.
- J. Council conducts assessment hearing, adopts, revises, or rejects resolution adopting the assessment roll. If adopted, Council authorizes certification of the assessment to the County Auditor. Assessment will not be certified until substantial completion of the project but are payable after adoption without interest until substantial completion of the project.
- K. City Engineer prepares final plans and specifications.
- L. Council accepts or rejects the plans and specifications. If accepted, Council orders the advertisement for bids, if required by law or city policy.
- M. City Engineer advertises for and opens bids, prepares bid tabulation, and makes recommendation to City Council for award.

- N. Council awards contract based on the bids received if bids are required by law or city policy.
- O. City Engineer oversees construction and prepares payments.
- P. Once project is substantially complete, City Engineer sends Principal and Interest (P&I) notice allowing 30 days interest free for payment. No interest is charged to a prepayment made within 30 days of both adoption of the assessment by the Common Council and written notice from the city that the assessment is due and payable and set for certification to the county auditor for collection (the 30-day interest free period).
- Q. Prepayment outside the 30-day interest-free period is allowed any time prior to certification of the assessment or the first installment thereof to the County Auditor. If prepayment is made prior to Nov. 15, interest shall be charged from the beginning of the 30-day interest free period to Dec. 31 of the year of payment. If prepayment is made after Nov. 15, interest will be charged from the beginning of the 30-day interest free period through Dec. 31 of the next succeeding year.

SECTION 7

STANDARDS FOR PUBLIC IMPROVEMENT PROJECTS

The following standards are hereby established by the City to provide a uniform guide for Improvements within the City.

A. Surface Improvements

Surface Improvements include all Improvements visible on or above the ground within the right-of-way and includes, but is not limited to, trees, lighting, sidewalks, signing, street, and accessory Improvements such as surfacing, curb and gutter, drainage facilities, grading, and signalization. These may also include other public Improvements such as drainage ponds and facilities, parking lots, parks, and playgrounds.

In all streets, prior to street construction and surfacing or resurfacing, all utilities and utility service lines (including sanitary sewers, storm sewers, and water lines) shall be installed to serve each known or assumed building location when practicable.

When practicable, only surface Improvements to both sides of a full block of street shall be approved, except as necessary to complete the Improvements of a block which has previously been partially completed. Concrete curbing or curb and gutter shall be installed at the same time as street surfacing, except where a permanent “rural” street design is approved by the City Council.

Street Improvements shall be constructed to meet the minimum City design standards unless the Feasibility Report identifies that the City standard is not practical for the area served, and an alternative design recommendation is reached.

B. Subsurface Improvements

Subsurface Improvements shall normally include such items as water distribution, sanitary sewer, and storm sewer lines. For purposes of definition, main lines are defined as the publicly owned and maintained lines such as trunk lines, interceptors, mains, laterals, etc. The service lines are those privately owned service lines going from the main line to the property line.

Subsurface Improvements shall be made to serve current and projected land use. All installation shall conform to City standards as established by those State and/or Federal Agencies having jurisdiction over the proposed installations.

Service lines from the lateral or trunk to the property line for each known or assumed building location shall be installed in conjunction with the construction of the mains.

SECTION 8

METHODS OF ASSESSMENT

The following methods of assessment, as described and defined below, are hereby established as the official methods of assessment in the City of Rochester:

- A. Calculation of charges will be based on the Estimated Market Value Total (EMV Total) the year of the assessment hearing, as documented by the Olmsted County Assessor's office.
- B. Only assessment eligible construction items will be included in the total to which 25% of the value will be used as the full assessable dollar amount for the project. These dollars will be based on the engineer's opinion of probable costs.

Eligible Construction Items:

- Removals
- Aggregate base and grading
- Granular Subbase
- Sub-grade correction
- Curb and gutter
- Pavement
- Driveways
- Engineering and all other related costs

Items not included in this list but identified in the Project's Feasibility Report may be added (as defined in the Chapter 429 Statute) at the discretion of the City Council.

- C. The Assessment Rate for any special assessment is computed by distributing 25% of the eligible construction items across the parcels on the project based on the Estimated Market Value Total (EMV Total) percentage share.
- D. If sidewalk replacements or repairs are performed on behalf of the city or under contract with the city on approved plans and specifications, but outside the sidewalk improvement district program, each parcel will also be assessed for sidewalk replacements per parcel.
 - As outlined in the Sidewalk Improvement District Policy, parcels assessed for sidewalk replacement and repair will be exempted from Sidewalk Improvement District fees in the next Sidewalk Improvement District cycle in their district.
 - City provides the owner a credit of 50% of a low-density residential corner lot regardless of the age of the sidewalk. Corner lot repairs will typically include replacements and repairs to both sides of the lot.
- E. Each parcel would also be assessed for sewer/water service replacements per parcel.
 - Sewer and water service lines, when installed as part of a local Improvement Project, will be fully assessed to the properties served.

- F. The Council reserves the right to deviate from the policy in certain circumstances, as long as the City can comply with the Minnesota Statutes, Chapter 429 regarding the special benefit analysis.
- G. The City of Rochester, constructing or reconstructing any public street, shall design improvement for a defined life cycle. The life cycle, or service life, for street Improvements, including concrete curb and gutter, is 20 (twenty) years, unless otherwise stated in the Resolution ordering the public improvement.

SECTION 9

ASSESSMENT PRACTICES AND COMPUTATIONS

A. General Assessment Practices

1. Assessment Term

Sidewalk or Curb and Gutter project assessments are levied over a 5-year period. All other Improvement Projects are levied over a 10-year period, unless otherwise approved by the City Council.

2. Interest Rate

If assessment is not paid within 30 days after the notice of substantial completion of the project, the City will charge interest on Special Assessments at a rate specified in the resolution adopted for each Improvement Project. If bonds are sold to finance the Improvement Project, the interest rate shall be two percent (2%) more than the average interest rate of the bonds, rounded to the nearest quarter of a percent. If no bonds are sold, the interest rate shall be set by the City Council.

3. Driveway Access

Single-Family Residential properties will only be assessed if the parcel has direct access to the Improvement by a driveway, or if the property address is the street included in the Improvement, or if the property in some other way receives a special benefit from the Improvement. Corner lots abutting a street included in the Improvement will only be assessed if the parcel meets one of the mentioned criteria.

B. Assessment Computations

1. Street, Curb and Gutter, and Alley Improvements

New Construction

For all new public streets, including curb and gutter, and alley the benefited properties will be assessed 100% of the Assessable Cost.

No surface Improvements to less than both sides of a full block of street shall be approved, except as necessary to complete the improvement of a block which has previously been partially completed.

Reconstruction

For all street reconstructions, including curb and gutter, and alley reconstruction/overlay projects, the Assessment Rate for any special assessment is computed by distributing 25% of the eligible construction items across the parcels on the project based on the Estimated Market Value Total (EMV Total) percentage share.

2. Sewer and Water Services Lines

New Construction

In all streets, prior to permanent surfacing or resurfacing, except where physical problems determine otherwise, all utilities and utility service lines (including sanitary sewers and water lines) shall normally be installed to serve each known or assumed building location the benefited properties will be assessed 100% of the Assessable Cost.

Replacement

Replacement Sewer and Water Service lines, when installed as part of a local Improvement Project, the costs would be 100% assessed to the properties served. See yearly fee schedule adopted by the Council for assessed amount.

Septic and/or Well Conversion

Parcel Owner must apply for a Utility Connection Agreement to complete septic and/or well conversion to their property. This Agreement will collect Trunk Sewer Rate Charge, Water Availability Charge and sewer and water frontage connection charges per Rochester City Ordinance Chapter 12-1. PIF charges would be waived with a Septic Conversion. These charges would be capped at the Sewer and Water Connection Fee listed in the yearly fee schedule adopted by the Council. If Payment of the charges attributable to the Property under this agreement aren't made by the date listed in the agreement. The owners agree to have payment of the charges considered delinquent pursuant to Rochester Code of Ordinances 12-1 and the "unpaid charges" shall be certified to the Olmsted County Auditor for collection with property taxes.

Vacant Area Undeveloped

Parcel Owner must apply for an Assessment Agreement or a Utility Connection Agreement to connect sewer or water Service lines to their property. This Agreement will collect Trunk Sewer Rate Charge, Water Availability Charge, sewer and water frontage connection charges, and a PIF Charge per Rochester City Ordinance Chapter 12-1. These charges would be capped at the Sewer and Water Connection Fee listed in the yearly fee schedule adopted by the Council. If Payment of the charges attributable to the Property under this agreement aren't made by the date listed in the agreement. The owners agree to have payment of the charges considered delinquent pursuant to Rochester Code of Ordinances 12-1 and the "unpaid charges" shall be certified to the Olmsted County Auditor for collection with property taxes.

3. Seal Coat and Crack Sealing

Bituminous seal coat, patching, crack sealing and filling potholes will not be assessed and are covered under general levy or any other available funding sources.

These items, if identified in the Project's Feasibility Report, may be assessed (as defined in the Chapter 429 Statute) at the discretion of the City Council.

4. Bituminous Mill & Overlays

Bituminous mill and overlay projects will not be assessed and are covered under general levy or any other available funding sources.

These items, if identified in the Project's Feasibility Report, may be assessed (as defined in the Chapter 429 Statute) at the discretion of the City Council.

5. Concrete Sidewalks

New Construction

Per Rochester Code of Ordinances Chapter 9-6 Sidewalks shall be provided on both sides of the street and new sidewalks will be installed adjacent to City streets by the developer of the abutting properties if planned as part of a development project. Sidewalks are to be minimum of 5' wide.

For the installation of new sidewalks, the benefited properties shall be assessed 100% of the Assessable Cost, whether the sidewalk is located on the benefited property or is on the opposite side of the street

Replacement and Repair on Behalf of the City

If sidewalk replacements or repairs are performed on behalf of the city or under contract with the city on approved plans and specifications, but outside the sidewalk improvement district program, the total cost of sidewalk replacement is assessed against the abutting property except on residential corner lots where 50% is paid for from city funds. See yearly fee schedule adopted by the Council for Assessment Rates.

For either a new or a replacement sidewalk project, a property owner may construct their own portion of the sidewalk if they so desire. In order to do so, the property owner must use a City licensed contractor to obtain a permit and specifications from the City Engineer's office. The Engineer's office will inspect the concrete formwork and the completed work.

Replacement and Repair under Sidewalk Improvement District Policy

Sidewalk replacements and repairs performed under Sidewalk Improvement District policy will be computed and assessed according to the Sidewalk Improvement District policy.

6. Bituminous Trails

New Construction

New Bituminous trails will be installed adjacent to City streets by the developer of the abutting properties if planned as part of the development project.

Replacement/Repair

Bituminous trail replacement and maintenance will not be assessed.

This item, if identified in the Project's Feasibility Report, may be assessed (as defined in the Chapter 429 Statute) at the discretion of the City Council.

7. Water System Improvements

New Water Tower Construction

The total cost of the tower, land, its appurtenances, footings, all pipe, booster pumps (if needed), and the cost of installation thereof shall be assessed against benefited properties, the extent of the area so benefited by said tower to be determined by the City Council. The cost of drilling the well is paid for by the City.

New Watermain Construction

New watermain installed in conjunction with new street construction or where no watermain previously existed the benefiting properties will be assessed 100% of the Assessable Cost.

Replacement of Watermain

Replacement costs of existing watermain will not be assessed, but rather funded 100% as City costs using Water Utility funds.

These items, if identified in the Project's Feasibility Report, may be assessed (as defined in the Chapter 429 Statute) at the discretion of the City Council.

If the Improvements are being completed at the request of the benefiting properties, in which case, the benefited properties will be assessed 100% of the Assessable Cost.

8. Storm Sewer Improvements

New Storm Sewer Construction

New storm sewer installed in conjunction with new street construction or where no storm sewer previously existed will be assessed 100% of the Assessable Cost.

Replacement of Storm Sewers

Replacement costs or reconstruction of existing storm sewers will not be assessed but will be funded 100% as City costs using Storm water Utility funds.

These items, if identified in the Project's Feasibility Report, may be assessed (as defined in the Chapter 429 Statute) at the discretion of the City Council.

If the Improvements are being completed at the request of the benefiting properties to enhance drainage to private property, in which case, the benefited properties will be assessed 100% of the Assessable Cost.

9. Sanitary Sewer Assessments

New Sanitary Sewer Construction

New sanitary sewer installed in conjunction with new street construction or where no sanitary sewer previously existed the benefiting properties will be assessed 100% of the Assessable Cost.

Replacement of Sanitary Sewers

Replacement costs or lining of existing sanitary sewers will not be assessed, but rather funded 100% as City costs using Sewer Utility funds.

These items, if identified in the Project's Feasibility Report, may be assessed (as defined in the Chapter 429 Statute) at the discretion of the City Council.

If the Improvements are being completed at the request of the benefiting properties, in which case, the benefited properties will be assessed 100% of the Assessable Cost.

Lateral Sanitary Sewer System

For lateral sanitary sewers installed, the benefiting properties shall be assessed 100% of the Assessable Cost.

10. Streetlights

New Streetlights

New streetlights will be installed adjacent to City streets by the developer of the abutting properties if planned as part of a development project. For the installation of new streetlights that are not part of a development project, the benefited properties shall be assessed 100% of the Assessable Cost, whether the streetlights are located on the benefited property or on the opposite side of the street.



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