



CITY OF LE SUEUR  
REQUEST FOR COUNCIL ACTION

TO: Mayor and City Council  
FROM: Jasper Kruggel, City Administrator  
SUBJECT: City of Le Sueur Special Assessment Policy  
DATE: For the City Council Meeting of Monday, July 22, 2018

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**PURPOSE/ACTION REQUESTED**

Evaluate the adoption of an assessment policy for the City of Le Sueur.

**SUMMARY**

The Le Sueur City Council provided feedback to staff about a special assessment policy on May 28, 2019. Those comments have been incorporated into a policy document that has been attached to this agenda item.

Minnesota Statutes Chapter 429 allows the City to levy special assessment to properties that receive a benefit when public improvements occur. The attached draft special assessment policy document provides guidance related to how the City of Le Sueur determines what public improvements will go through the special assessment process, and how the City will determine the benefit to the affected properties.

**PURPOSE/ACTION REQUESTED**

Staff would like City Council to evaluate the attached document and provide feedback about the Special Assessment Policy. If agreeable, staff recommends City Council adopt the attached Special Assessment Policy by motion and make this effective immediately.

# City of Le Sueur, Minnesota

## Special Assessment Policy

### Purpose

The primary purpose of the City of Le Sueur's special assessment policy is to outline the areas of sidewalk and trail repair, road surface repairs, infrastructure repairs, or new infrastructure construction, and how the City may choose to levy special assessments based on the benefit to properties affected by the improvements.

### Definitions

The following phrases have special meanings as used in this policy:

- A. **Sidewalk** refers to any walkway in public right-of-way or easement that is designated for public use.
- B. **Trail** refers to any pedestrian pathway that is located either on public owned land or is located within the city right-of-way or easement.
- C. **Road surface repairs** means areas within the public right-of-way or easement including the road surface, curb, gutter, and boulevard.
- D. **Infrastructure repairs** means areas within the public right-of-way or easement that contain infrastructure related to any city services. These include water, wastewater, stormwater, electric, or street lighting.
- E. **New infrastructure** means any new infrastructure related to the road surface, curb, gutter, water, wastewater, stormwater, electric, or street lighting.
- F. **Benefit Appraisal** refers to a report professionally prepared by a Certified General Real Property Appraiser or other applicable certification, that compares the benefit received by properties affected by the public improvement. The benefit received to the property is that of only the land value as guided by Minnesota Statutes Chapter 429.
- G. **Minnesota Statutes Chapter 429** refers to the State of Minnesota's guidelines that allow for municipal organizations to levy special assessments.

### 1. Sidewalk and Trail Special Assessments

The City of Le Sueur does not levy special assessments for any sidewalk or trail repair, or any new construction of sidewalks and trails. The City of Le Sueur shall fund these improvements through the general levy or other means such as grants, as City Council feels appropriate.

## **2. Roadway Improvement and Repair Special Assessments**

All road surface improvement projects that replace any portion of the road surface shall utilize a benefit appraisal to determine the benefit to any properties, of which will be used to determine the assessment levied against said property. Projects that are included in this section of the assessment policy include, but are not limited to, mill and overlays, reclamation projects, and full surface rehabilitation projects. Projects that are exempt from this assessment policy include, but are not limited to, seal coating, crack sealing, spot curb repair, or any other normal road surface maintenance. Special assessments shall be levied using guidance from Minnesota Statute Chapter 429 which allows City Council control over the final levied assessments.

## **3. New Roadway and Utility Construction Special Assessments**

All new roadway and utility construction projects that create new public infrastructure shall utilize a benefit appraisal to determine the benefit to any properties, of which will be used to determine the assessment levied against said property. Special assessments shall be levied using guidance from Minnesota Statute Chapter 429 which allows City Council control over the final levied assessments.

**ADOPTED BY CITY COUNCIL: JULY 22, 2019**