



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

<b>Agenda</b>	<b>Action Requested:</b>	
CONSENT AGENDA	Approve/Deny Motion	Direction Requested
P&F COMMITTEE	Adopt Resolution (attach draft)	Discussion Item
SPW COMMITTEE	Ordinance 1 <sup>st</sup> Reading	Hold Public Hearing*
MAIN AGENDA	<i>*provide copy of published hearing notice</i>	

**Submitted by:**

**Department:**

**Presenter:**

**Estimated Time Needed:**

**Summary of Issue:**

**Alternative, Options, Effects on Others/Comments:**

**Recommended Action/Motion:**

**Financial Impact:**

*Is there a cost associated with this request:*

*What is the total cost, with tax and shipping:*

*Is this budgeted? (Please Explain)*

## NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet in the Council Chambers of the Brainerd City Hall at 7:30 p.m. on November 21, 2022, to pass upon the proposed assessment for the following improvements:

### **DOWNTOWN SPECIAL SERVICES DISTRICT**

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

Laurel Street from South 6<sup>th</sup> Street to South 8<sup>th</sup> Street  
Front Street from South 6<sup>th</sup> Street to South 8<sup>th</sup> Street  
South 7<sup>th</sup> Street from Maple Street to Front Street

The areas proposed to be assessed for these improvements are the properties abutting and/or benefitting from the above-described projects.

The proposed assessment role is on file for public inspection at the City Administrator's Office and the City Engineer's Office.

The total cost of Downtown Special Services District is \$114,321.28 of which \$50,280.38 is proposed to be assessed.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is four and ninety-one hundredths' percent (4.91%) per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of one (1) year.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified,

the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.

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 the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by 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 the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this 7<sup>th</sup> day of November 2022

Jennifer Bergman  
City Administrator

Any individual needing special accommodations please call 828-2307.

Published November 9, 2022

**RESOLUTION**  
**NO \_\_\_\_\_**

**RESOLUTION DECLARING COSTS TO BE ASSESSED  
ORDERING PREPARATION OF PROPOSED ASSESSMENT,  
AND ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENT**

WHEREAS, the costs have been determined for Downtown Special Services District involving the following described areas in the City of Brainerd:

**DOWNTOWN SPECIAL SERVICES DISTRICT**

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

Laurel Street from South 6<sup>th</sup> Street to South 8<sup>th</sup> Street  
Front Street from South 6<sup>th</sup> Street to South 8<sup>th</sup> Street  
South 7<sup>th</sup> Street from Maple Street to Front Street

WHEREAS, the estimated total costs for said improvements are Downtown Special Services District – \$114,321.28, and

WHEREAS, the City Council has ordered preparation of the proposed assessment, and

WHEREAS, the City Council hereby sets the Public Hearing for Monday, November 21, 2022, at 7:30 p.m.,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA:

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be Downtown Special Services District \$64,040.89, and the portion of the cost to be assessed against benefited property owners is declared to be Downtown Special Services District \$50,280.38.

2. Assessments shall be payable in annual installments extending over a period of one year, to be paid on or before the first Monday in January 2023 and shall bear interest at the rate of four and ninety-one hundredths' percent (4.91%) per annum from the date of the adoption of the assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The owner of any property so assessed may at any time thereafter pay to the Crow Wing County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made.

4. Pursuant to Ordinance No. 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988 and any

amendments thereto, the City Council may defer a special assessment for needy persons.

5. Pursuant to proper notice duly given as required by law, the hearing will be held on the 21<sup>st</sup> of November 2022 in the City Hall building at Brainerd, Minnesota, at 7:30 p.m. concerning such proposed assessments and at such time and place all persons owning property affected by such improvements were given an opportunity to be heard with reference to such assessments.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
KELLY BEVANS  
President of the Council

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
DAVE BADEAUX  
Mayor

ATTEST: \_\_\_\_\_  
JENNIFER BERGMAN  
City Administrator