



City of Blaine Anoka County, Minnesota

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Legislation Details (With Text)

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Sponsors: Dan Schluender
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ADMINISTRATION - *Dan Schluender, City Engineer*

AMENDING RESOLUTION 78-28 - A RESOLUTION AUTHORIZING DEFERRALS OF SPECIAL ASSESSMENTS

Minnesota Statutes authorize cities, at their discretion, to defer special assessment payments for certain hardships as defined in statute. These hardships are:

- 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.
- Property 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 City of Blaine adopted a special assessment deferral for certain senior citizens with Resolution No. 78-28 in March 2, 1978 and later amended with Resolution 12-112 on August 16, 2012. This item would amend Resolution 78-28 to include the statutorily allowed deferrals for permanent total disability and active military service.

By motion, approve the resolution.

WHEREAS, Minnesota Statutes authorize cities to defer special assessment payments for certain persons retired by virtue of a permanent and total disability for whom it would be a hardship to make the payments; and

WHEREAS, Minnesota Statutes authorize cities to defer special assessment payments for certain persons who are a members of the Minnesota National Guard or other military reserves who are ordered into active military service, as defined in section 190.05, subdivision 5b or 5c, as stated in the person's military orders; and

WHEREAS, said deferment of assessments may be permitted at the discretion of the City Council; and

WHEREAS, the City Council of the City of Blaine finds and determines that deferral of special assessments for certain persons with permanent and total disabilities and certain persons ordered into active military service is in the public interest; and

WHEREAS, it is necessary and proper that the City Council set forth its general policies and guidelines for granting said deferrals of special assessments; and

WHEREAS, a Resolution Authorizing Deferrals of Special Assessments for Certain Senior Citizens, Resolution No. 78-28 was adopted by the City Council on March 2, 1978 and amended by the City Council with Resolution 12-112 on August 16, 2012; and

WHEREAS, the City Council finds it necessary to amend the Resolution Authorizing Deferrals of Special Assessments for Certain Senior Citizens, Resolution No. 78-28, to add special assessment deferments for certain persons with permanent and total disabilities and certain persons ordered into active military service is in the public interest;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Blaine does endorse the principle of deferment of special assessments for certain senior citizens, certain persons with permanent and total disabilities and certain persons ordered into active military service where the payment of said special assessments constitute a hardship.

BE IT FURTHER RESOLVED that the City Council's policy and procedures for granting said special assessment deferments shall be based upon the following factors:

1. The property must be homestead property.
2. The owner must be at least 65 years of age or older and in the case of husband and wife, one member must meet this age requirement.
3. The owner must be retired by a permanent and total disability at the time of levy. A permanent and total disability is defined as a condition which is permanent by nature and which totally incapacitates the person from working at an occupation that affords the person an income.
4. The owner must be a member of the Minnesota National Guard or other military reserves who is ordered into in active military service as defined in Minnesota Statutes section 190.05, subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make payments.

5. The owner will make application for deferred payments on forms prescribed by the Anoka County Auditor and will make application to the City of Blaine on forms provided by the City.
6. The application for said deferral should be made at the time the project is authorized and in all cases it must be made before the final assessment rolls are approved by the City Council.
7. The City Council will consider each application on an individual basis; however, the Council's general policy is to grant hardship special assessment deferrals when the annual payment for the special assessment exceeds 2% of the adjusted gross income of the owner as determined by the most recent Federal income tax or when an owner of unplatted property is 70 years of age or older.
8. The deferral will be terminated when any of the following happen:
 - a. The death of the owner provided that the surviving spouse is not otherwise eligible for the benefits.
 - b. The sale, transfer or subdivision of the property or any part thereof.
 - c. Loss of homestead status.
 - d. The City Council determines that the further deferments are not in the public interest.
9. The City Manager has the responsibility and authority to administer and interpret this Resolution within the guidelines set forth herein.

PASSED by the City Council of the City of Blaine this 5th day of August, 2019.