

Project No: Z76 (South First Street Reconstruction Project)
Address of assessed parcel: 609 S First Street
Property Identification No.: 27-925011-0
Reason for the request:

I would like to formally object to this proposed assessment. I have three reasons for this objection.

First, I believe the Special Assessments are being misused. In the City of Marshall Charter, Section 8.01 states:

“The City shall have the power to make any and every type of public improvement not forbidden by the laws of this State and to levy special assessments for all or any part of the cost of such improvements as are of a local character, pursuant to the laws of the State of Minnesota.”

Section 8.02 also states:

“All proceedings for construction and improvements to be paid for by special assessment against benefited property may be instituted by the procedures according to the statutes of the State of Minnesota.”

So the City Council is within its rights to issue Special Assessments, but only if it also in accordance with Minnesota law. To that end, the City of Marshall [ordinance Chapter 8](#) (“Public Improvements and Special Assessments”) cites in a footnote to refer to “Special Assessments, Minn. Stat. ch. 429”.

Yes, [Statute 429.021](#) allows the municipalities to make improvements to city infrastructure. [429.051](#) notes “The cost of any improvement, or any part thereof, may be assessed upon property benefited by the improvement, based upon the benefits received...”

It has not been disclosed how the “benefits” I “received” are costing me \$5,874.78. Or to put it a better way, why do I have to pay \$5,874.78 for the benefits of a mandatory road project? I also know that my neighbors have different proposed assessments. Project Z76 has Special Assessments listed under “Driveway” (\$10,723) and “Street” (\$98,305); was each property charged an equal amount for the street but different amounts for the driveway?

If that is the case, how were those amounts determined? The public has a right to know why we are being charged a specific amount. I certainly hope there is a good reason the residents of South First Street are being assessed approximately 15% of the cost of Project Z76.

Unless there is a justification for the amount of the Special Assessments, the proposed amounts seem to account for other considerations and should be treated as Special Charges, and those are only allowed to be treated as Special Assessments if they are specific budget items (see [Minnesota Statute 429.101](#)). Project Z76 has Special Assessments listed under “Driveway” (\$10,723) and “Street” (\$98,305); neither of these are listed as acceptable items in MN Statute 429.101.

I do not believe the Special Assessments have been justified and therefore believe the assessment amounts proposed by the City of Marshall are not in accordance with Minnesota state law and are invalid.

Second, at the resident informational meeting at MMU on March 12th 2020, it was reported this project could cost property owners a significant amount of money; it was said that it would cost no more than \$5,700 but that it was unlikely to reach that high. Residents balked at the cost but were told it was unlikely to get that high, it was just the most the city could charge so they wanted to be upfront. Yet now, the proposed assessment amount for my property is \$5,874.78. This charge is above the original quote, violating the promise of the city both in the actual dollar amount and in the spirit of the prediction.

The third part of my objection is that residents are being charged for road maintenance at all. While I certainly am grateful for updates to the water and sewage system, citizens already pay for city infrastructure in the form of taxes. If this is normal work, the residents of South First Street should not be charged. If updating water/sewage lines was something the city didn't prepare for, the residents of South First Street should not have to bear that burden of poor planning. Passing the cost along to the residents of South First Street is unacceptable. Since the residents of South First Street were not given a choice in whether this project was pursued, charging them any fee seems incredibly unfair, let alone one equaling approximately 15% of the entire cost of the project.

To summarize: While I cannot speak for other residents on my road, I should not be charged for the project since infrastructure costs should be factored into the normal city budget and I was not given the choice to decline what is apparently extra road work for which the city was unable to properly plan. Also, I question whether the assessments proposed by the City of Marshall are in accordance with Minnesota state law.

Name/ Signature
Date

Ben Walker
9/12/21

