

**OLMSTED – WABASHA LAKE ZUMBRO JOINT POWERS BOARD ASSESSMENT
DEFERRAL POLICY FOR LAKE ZUMBRO DREDGING PROJECT**

WHEREAS, the Olmsted-Wabasha Lake Zumbro Joint Powers Board will soon be levying assessments on benefitted properties in the Lake Zumbro Improvement District to raise funds for the local share needed for the Lake Zumbro dredging project; and

WHEREAS, the Joint Powers Board has not previously levied assessments on benefitted properties for a lake dredging project and therefore it needs to adopt an assessment deferral policy for those affected property owners who can demonstrate that payment of the amounts to be assessed will pose a hardship for themselves and for their families; and;

NOW THEREFORE, THE JOINT POWERS BOARD RESOLVES TO ADOPT THE FOLLOWING DEFERRED ASSESSMENT POLICY:

1. HARDSHIP ASSESSMENT DEFERRAL FOR SENIORS, DISABLED, OR MILITARY PERSONS.

a. Owners of benefitted improved properties in the Lake Zumbro Improvement District whose property is assessed in connection with a lake dredging project may defer the payment of that assessment pursuant to Minnesota Statutes Section 435.193 if any of the following conditions apply:

(1) The property owner is a person 65 years of age or older or has retired by virtue of a permanent and total disability and it would be a hardship for the owner to make the payments; or

(2) The property owner is 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 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 the payments.

2. STANDARDS AND GUIDELINES FOR DETERMINING THE EXISTENCE OF A HARDSHIP AND FOR DETERMINING THE EXISTENCE OF A DISABILITY

a. Property owners who wish to be granted an assessment deferral must complete a deferred assessment application form prescribed by the Joint Powers Board. The completed form will be reviewed by the Joint Powers Board.

b. Pursuant to Minnesota Statutes Section 435.194, nothing herein shall be construed to prohibit the determination of hardship on the basis of exceptional and unusual circumstances not covered by the standards of this deferred assessment policy. Any such determination must be made in a nondiscriminatory manner which does not give the applicant an unreasonable preference or advantage over other applicants.

c. If the deferred assessment is granted, it shall accrue interest at the prime rate plus 1% until the unpaid balance is paid in full.

d. If the deferred assessment is granted, the Olmsted County Property Records and Licensing Department shall record a notice thereof with the Olmsted County Recorder which shall set forth the amount of the assessment for properties located in Olmsted

County. If the deferred assessment is granted, the Wabasha County Auditor shall record a notice thereof with the Wabasha County Recorder which shall set forth the amount of the assessment for properties located in Wabasha County. The interest rate on the deferred assessment shall be recorded by the auditor along with and in the same manner as the amount of the assessment.

3. TERMINATION OF RIGHT TO DEFERRED PAYMENT.

a. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest, shall become due upon the occurrence of any of the following events:

- (1) the death of the owner, provided that the owner's spouse is otherwise not eligible for the benefits hereunder;
- (2) the sale, transfer or subdivision of the property or any part thereof;
- (3) if the property should for any reason lose its homestead status; or
- (4) if for any reason the Joint Powers Board shall determine that there would be no hardship to require immediate or partial payment.

The motion for the adoption of the foregoing resolution was made by Commissioner Goehl and duly seconded by Commissioner Springer and upon a vote being taken thereon, the following voted in favor thereof: 3 Goehl, Springer + Brown and the following voted against the same: 0.

Dated this August day of July, 2018 at Rochester, Minnesota.

OLMSTED – WABASHA LAKE ZUMBRO JOINT POWERS BOARD

Kenneth Brown

Ken Brown, Olmsted County Commissioner,
Chairperson of the Joint Powers Board

ATTEST:

Don Springer

Don Springer, Wabasha County Commissioner
Secretary-Treasurer of the Joint Powers Board

**OLMSTED-WABASHA LAKE ZUMBRO JOINT POWERS BOARD DEFERRED ASSESSMENT
APPLICATION**

INFORMATION REQUIRED

The following information is required when completing the Deferred Assessment Form for the Joint Powers Board.

1. Driver's License, Birth Certificate or other documentation to verify age of applicant.
 2. A copy of the most recent federal tax filing form to determine income eligibility. If you no longer file income taxes, please provide us with a Social Security Benefit Statement and indicate any other income sources.
 3. If applying for disability status, a statement by a medical doctor or a copy of a social security disability certification.
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Note: The application must be filed with the Olmsted County Public Works Department within 60 days of the Joint Powers Board's approval of the assessment. The Public Works Department provides staff support as needed for the Joint Powers Board. In addition to meeting the other qualifications, deferrals will only be allowed in instances where the property is in good standing with no outstanding building or zoning code violations.

Please note – if a deferral of an assessment is approved, it will be deferred with interest, compounded annually, until such time as it is deemed that the applicant no longer qualifies, or the property loses eligibility. Under the Joint Powers Board's guidelines, the deferment is terminated and payable upon any of the following:

- The death of the owner (if the surviving spouse is not eligible for the deferment)
 - The sale, transfer, or subdivision of any part of the property
 - The loss of homestead status of the property
 - A determination by the Joint Powers Board that requiring immediate or partial payment would no longer impose a hardship
 - If deferred because of military service, the deferral would be for a period of no more than three years from the start of active duty
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Please return the attached application forms along with any other documentation requested to:

Olmsted County Public Works Department
2122 Campus Dr. S.E., Rochester, MN 55904

If you have any questions about the application form or documentation required, please call the County Public Works Department at 507-328-7070.

Check-Off List Indicating What A Person Is Applying For And What Documentation Is Needed: (please leave this attached to application):

Please select the appropriate category for which you are applying:

_____ A. DEFERRAL BASED ON AGE/INCOME - Owner(s) are 65 years of age or older and applying for deferral of assessment based on income.

These items must be attached to application:

- _____ copy of Driver's license or Birth Certificate other documentation to verify age of applicant
 - _____ copy of most recent year federal income tax return OR
 - _____ I no longer file Federal income taxes. Therefore a copy of my Social Security Benefit Statement is enclosed and I have indicated any other income sources.
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_____ B. DEFERRAL BASED ON DISABILITY/INCOME - Owner(s) are permanently disabled and applying for deferral of assessment based on income/disability.

These items must be attached to application:

- _____ copy of Driver's license or Birth Certificate other documentation to verify age of applicant
 - _____ a medical doctor's written statement, social security disability certification or other verifying documentation regarding the disability
 - _____ copy of most recent year federal income tax return OR
 - _____ I no longer file Federal income taxes. Therefore a copy of my Social Security Benefit Statement is enclosed and I have indicated any other income sources.
-

_____ C. DEFERRAL BASED ON ACTIVE MILITARY SERVICE/INCOME - Owner(s) are a member 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, for whom it would be a hardship to make the payments

These items must be attached to application:

- _____ copy of military orders
- _____ copy of most recent year federal income tax return

**OLMSTED-WABASHA JOINT POWERS BOARD DEFERRED ASSESSMENT
APPLICATION FORM**

Pursuant to Minnesota Statutes §§ 435.193 through 435.195, a homesteaded property owned by a person 65 years of age or older, or a person retired by virtue of a permanent physical disability is eligible for deferral of that assessment provided that the standards established by the Olmsted-Wabasha Lake Zumbro Joint Powers Board are met.

Property Owner Name _____ Property Address _____

Property PIN Number _____ Property Legal Description _____
(Found on property tax statement)

Assessment Project Number _____ Assessment Amount \$ _____

Property Owner Signature Date

This application must be filed with the County Public Works Department within 60 days of the date of Joint Powers Board's approval of the assessment project.

**AUTHORIZATION FOR DEFERRAL OF SPECIAL ASSESSMENTS PURSUANT TO MINNESOTA
STATUTES, SECTION 435.194**

STATE OF MINNESOTA)
County of Olmsted

I, _____, declare under penalties of perjury that I reside at _____ and that I am the owner of the property legally described as listed above and which is identified by the PIN number listed above.

Property Owner Signature Date

This portion to be filled out by County Public Works Dept. staff

I, _____ of the Olmsted County Public Works Department, State of Minnesota do hereby certify that the application of _____ above named, has been duly reviewed and was duly approved on _____, in accordance with the deferred assessment policies of the Joint Powers Board that were adopted by the Board on August 1, 2018.

That in accordance with approval granted, that the special assessments on the above described property in the amount of \$ _____, should be deferred with interest, compounded annually, at the annual rate of _____%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

_____ I have confirmed that the property is in good standing with no outstanding building or zoning code violations.

Public Works Dept. Representative Signature Date

Deputy Olmsted County Administrator Signature Date

07/24/18

ADDITIONAL INFORMATION NEEDED FROM APPLICANT

Property Owner Name _____

Property Address _____

Home Phone Number _____

Property Owner Age _____
(Verified by Drivers License, Birth Certificate or other documentation)

Household Income (annual) _____

Do you file income tax returns? _____

Please provide a copy of most recent year federal income tax return. If you no longer file income taxes, please provide us with a Social Security Benefit Statement and indicate any other income sources.

For persons claiming eligibility by virtue of permanent physical disability, documentation must be provided with the application. Documentation may consist of a medical doctor's written statement, social security disability certification or other verifying documentation.

Property Owner Signature

Date

Reason for application:

____ A. DEFERRAL BASED ON AGE/INCOME

____ B. DEFERRAL BASED ON DISABILITY/INCOME

____ C. DEFERRAL BASED ON ACTIVE MILITARY SERVICE/INCOME

RIGHTS OF SUBJECTS OF GOVERNMENT DATA DEFERRED ASSESSMENT PROGRAM

“TENNESSEN WARNING”

In accordance with the Minnesota Government Data Practices Act, the Olmsted-Wabasha Lake Zumbro Joint Powers Board is required to inform you of your rights as they pertain to the information collected about you. Public information is that information which is available to the general public; Private information is that information which is available to you, not to the public; and confidential information is that information which is not available to you or the public. The information we collect from you is either public or private. The separation of that information is as follows:

PUBLIC – NAME AND ADDRESS OF APPLICANT(S) AT THE TIME OF APPLICATION

PRIVATE – SOCIAL SECURITY INFORMATION, AGE, INCOME LEVEL, MEDICAL DATA, HOME TELEPHONE NUMBER (MS 13.355 and MS 13.37(a))

The information collected and required from you is to determine your eligibility for a Joint Powers Board deferred assessment program. If you do not supply the required information, the Joint Powers Board will not be able to determine your eligibility.

The dissemination and use of the private data we collect is limited to that necessary for the administration and management of the deferred assessment program. Persons or agencies with whom this information may be shared include:

OLMSTED AND WABASHA COUNTY PERSONNEL INVOLVED IN DETERMINING ELIGIBILITY AND RECORDING OF APPROVAL, CONTRACTED PUBLIC AUDITORS AND THOSE INDIVIDUALS TO WHOM YOU GIVE YOUR EXPRESS WRITTEN PERMISSION.

Unless otherwise authorized by state statute or federal law, other government agencies utilizing the reported private data must also treat the information private.

You may wish to exercise your rights as contained in the Minnesota Government Data Practices Act. These rights include:

- THE RIGHT TO SEE AND OBTAIN COPIES OF THE DATA MAINTAINED ON YOU.
- THE RIGHT TO BE TOLD THE CONTENTS AND MEANING OF THE DATA.
- THE RIGHT TO CONTEST THE ACCURACY AND COMPLETENESS OF THE DATA.

To exercise these rights, contact the Olmsted County Public Works Department, 2122 Campus Dr. S.E., Rochester, MN 55904

I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION REGARDING MY RIGHTS AS A SUBJECT OF GOVERNMENT DATA.

(Signature of Data Subject) (Date)