



## Legislation Details (With Text)

**File #:** RES PH 16- 367 **Version:** 2

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 11/2/2016

**Title:** Ratifying the assessment costs for the 2016 Right-of-Way Maintenance Program and 2016 Above-Standard Lighting Operation and Maintenance Program for multiple properties appealed by Sandra Jacobs. (File No. 16ROW FINAL2, Assessment No. 16032B)

**Sponsors:** Russ Stark

**Indexes:** Right of Way Maintenance Assessment, Ward - 4

**Code sections:**

**Attachments:** 1. Sandra Jacobs Letter 9-19-16, 2. John Hoeschler.Response for Above-Standard Lighting districts and rates (LMoser).10-18-16, 3. Hoeschler Summary of Objections 10-14-16, 4. 16ROW FINAL2 Assmt 16032B, 5. Memo to LHO re 2016 ROW hearings (CSisk, CAO), 6. Hoeschler - Moermond.Email.10-24-16, 7. Classification of Streets, 8. John Hoeschler.Email Response to Mr. Hoeschler's Request for Street Designations & Request Map (JSpah).10-14-16, 9. 970 Raymond Ave Appeal Settlement & Release 5-2-16, 10. Skally email.pdf

Date	Ver.	Action By	Action	Result
11/3/2016	2	Mayor's Office	Signed	
11/2/2016	2	City Council	Adopted	Pass
10/14/2016	1	Right of Way Hearing	Referred	

Ratifying the assessment costs for the 2016 Right-of-Way Maintenance Program and 2016 Above-Standard Lighting Operation and Maintenance Program for multiple properties appealed by Sandra Jacobs. (File No. 16ROW FINAL2, Assessment No. 16032B)

**Date of Hearing:** 10/14/16

**Time of Hearing:** 9:00 AM

**Date of Council Public Hearing PH:** 10/5/16 & 11/2/16

**Appellant/Owner:** Sandra Jacobs

**PIN/PINS:**

2310 CAPP ROAD	29-29-23-13-0057 (W4)
661 LASALLE STREET	32-29-23-12-0022 (W4)
2300 MYRTLE AVENUE	32-29-23-12-0043 (W4)
700 RAYMOND AVENUE	32-29-23-12-0045 (W4)
946 RAYMOND AVENUE	29-29-23-42-0103 (W4)
950 RAYMOND AVENUE	29-29-23-42-0003 (W4)
970 RAYMOND AVENUE	29-29-23-13-0060 (W4)
2292 UNIVERSITY AVENUE WEST	32-29-23-12-0009 (W4)
2314 UNIVERSITY AVENUE WEST	32-29-23-12-0040 (W4)
2324 UNIVERSITY AVENUE WEST	32-29-23-12-0039 (W4)
2334 UNIVERSITY AVENUE WEST	32-29-23-12-0038 (W4)

2348 UNIVERSITY AVENUE WEST 29-29-23-43-0081 (W4)  
2380 WYCLIFF STREET 29-29-23-13-0059 (W4)

WHEREAS, on October 5, 2016, the City Council adopted Council File RES PH 16-287 which ratified the assessments roll for 2016 services in the 2016 Right-of-Way Maintenance Program and 2016 Above-Standard Lighting Operation and Maintenance Program; and

WHEREAS, the Council received all written objections from property owners, either before the hearing or at the hearing, and directed the city clerk to make a record thereof and remove those properties from the assessment roll ("remaining properties") for separate consideration; and

WHEREAS, the Council directed that the remaining properties be laid over from the October 5, 2016 public hearing for separate hearings to consider individual objections, and to return to the Council on November 2, 2016; and

WHEREAS, the Council ratified the assessments roll for those parcels for which property owners did not object, and ratified the balance of the assessment roll; and

WHEREAS, Council File RES PH 16-287 also directed the Legislative Hearing Officer to receive written and oral submissions regarding the remaining properties from the affected property owners, city officials, and other witnesses regarding any non-constitutional objections to the proposed assessment; and

WHEREAS, the Legislative Hearing Officer has the authority to make factual determinations regarding the non-constitutional objections for each proposed assessment and consult with the City Attorney to determine whether an objection is a constitutional objection; and

WHEREAS, on October 14, 2016, the Legislative Hearing Officer conducted a hearing regarding an appeal for Sandra Jacobs for properties at 2310 CAPP ROAD, 661 LASALLE STREET, 2300 MYRTLE AVENUE, 700 RAYMOND AVENUE, 946 RAYMOND AVENUE, 950 RAYMOND AVENUE, 970 RAYMOND AVENUE, 2292 UNIVERSITY AVENUE WEST, 2314 UNIVERSITY AVENUE WEST, 2324 UNIVERSITY AVENUE WEST, 2334 UNIVERSITY AVENUE WEST, 2348 UNIVERSITY AVENUE WEST and 2380 WYCLIFF STREET and appellant's representative, Mr. Jack Hoeschler, was granted the opportunity to present oral or written testimony and evidence to support their objections to the proposed assessments; and

WHEREAS, oral testimony and documentation regarding the assessments were provided by City staff; and

WHEREAS, the Legislative Hearing Officer made the following determination(s) and recommendation:

- Appellant did provide oral testimony and written material evidence regarding non-constitutional objections to support a reduction of the assessments;
- A previous appeal of 2015 Raymond Avenue to Energy Park Drive Paving and Lighting Project for 970 Raymond led to a settlement in which approximately one-fourth of the original assessment was assessed;
- Based on the Legislative Hearing Officer's review of the above appealed assessment, a commensurate reduction in the assessment for this property is recommended
- A factual basis was established for modifying the 970 Raymond Avenue assessment from a total of \$2,355.28 to \$608.76; and
- With respect to the balance of properties under appeal by Sandra Jacobs, no written, oral testimony or material evidence was provided regarding non-constitutional objections to support a reduction or deletion of the assessments;

- No factual basis was established for modifying the proposed assessments; and therefore the Legislative Hearing Officer is,
- Recommending ratification of assessments; Now, Therefore, Be It

RESOLVED, that pursuant to Minnesota Statute 429, the determination(s) and recommendation enumerated above are adopted by the Council and said assessments are hereby ratified or modified as proposed above and made a part of the assessment roll as ratified by Council File RES PH 16-287; and be it finally

RESOLVED, that the service charges shall be collected using the procedures set forth in Minn. Stat. Sections 429.061 and 429.071, and any appeals shall be made to the district court pursuant to Minn. Stat. Section 429.081.