



Legislation Details (With Text)

File #: RES PH 16-384 **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 Ferdinand Peters. (File No. 16ROW FINAL2, Assessment No. 16032B)

Sponsors: Dai Thao, Rebecca Noecker, Chris Tolbert, Russ Stark

Indexes: Right of Way Maintenance Assessment, Ward - 1, Ward - 2, Ward - 3, Ward - 4

Code sections:

Attachments: 1. Ferdinand Peters.10-5-16, 2. Ferdinand Peters Letter with addresses.10-5-16, 3. Ferdinand Peters add'l addresses submitted at hearing.10-5-16, 4. Ferdinand Peters obo Lakes & Plains.10-5-16, 5. 16ROW FINAL2 Assmt 16032B, 6. Peters Email 10-7-16, 7. CAO Memo to LHO re 2016 ROW hearings, 8. 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 Ferdinand Peters. (File No. 16ROW FINAL2, Assessment No. 16032B)

Date of Hearing: 10/14/16

Time of Hearing: 11:00 am

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

Appellant/Owner: Ferdinand Peters, on behalf of multiple properties

PIN/PINS:

754 BLAIR AVENUE	35-29-23-12-0111 (W1)
841 BRADFORD STREET	29-29-23-42-0047 (W4)
241 BRIMHALL STREET	10-28-23-22-0183 (W3)
2130 COMO AVENUE	20-29-23-44-0108 (W4)
1530 EDGCUMBE ROAD	15-28-23-11-0061 (W3)
1530 EDGCUMBE ROAD	15-28-23-11-0062 (W3)
2005 FORD PARKWAY	16-28-23-22-0088 (W3)
555 FRONTENAC PLACE	32-29-23-23-0147 (W4)
0 GRAND AVENUE	
622 GRAND AVENUE	02-28-23-41-0069 (W2)
740 GRAND AVENUE	02-28-23-42-0073 (W2)
965 GRAND AVENUE	02-28-23-31-0073 (W2)

985 GRAND AVENUE	02-28-23-32-0140 (W2)
999 GRAND AVENUE	02-28-23-32-0014 (W2)
1036 GRAND AVENUE	02-28-23-32-0031 (W3)
1342 GRAND AVENUE	03-28-23-31-0025 (W3)
1355 GRAND AVENUE	03-28-23-31-0021 (W3)
168 GRIGGS STREET NORTH	03-28-23-11-0143 (W1)
724 HAGUE AVENUE	02-28-23-11-0225 (W1)
753 HAGUE AVENUE	02-28-23-12-0129 (W1)
754 HAGUE AVENUE	02-28-23-12-0198 (W1)
758 HAGUE AVENUE	02-28-23-12-0199 (W1)
1728 HAGUE AVENUE	04-28-23-12-0087 (W4)
649 HOLLY AVENUE	02-28-23-14-0076 (W1)
655 HOLLY AVENUE	02-28-23-14-0075 (W1)
480 IGLEHART AVENUE	36-29-23-34-0046 (W1)
668 LAFOND AVENUE	35-29-23-11-0197 (W1)
814 LAUREL AVENUE	02-28-23-13-0032 (W1)
1703 LAUREL AVENUE	04-28-23-12-0050 (W4)
194 LEXINGTON PARKWAY NORTH	02-28-23-22-0069 (W1)
195 LEXINGTON PARKWAY NORTH	03-28-23-11-0083 (W1)
745 LINCOLN AVENUE	02-28-23-42-0092 (W2)
2330 LONG AVENUE	29-29-23-42-0106 (W4)
483 MARSHALL AVENUE	36-29-23-34-0052 (W1)
1708 PORTLAND AVENUE	04-28-23-13-0053 (W4)
675 RANDOLPH AVENUE	11-28-23-14-0190 (W2)
682 SELBY AVENUE	02-28-23-11-0181 (W1)
365 SMITH AVENUE NORTH	01-28-23-41-0023 (W2)
594 SMITH AVENUE SOUTH	07-28-22-23-0047 (W2)
607 SMITH AVENUE SOUTH	07-28-22-23-0086 (W2)
1611 STANFORD AVENUE	09-28-23-11-0080 (W3)
194 SUMMIT AVENUE	01-28-23-11-0006 (W2)

- 0 Grand Avenue is listed in the appeal, but has no PIN. (We identified PINS for all the properties, as addresses alone were given. This has been a standard practice in these hearings.) We believe the property referenced is one owned by Grand Ham LLC, which include 1342, 1355 and 1361 Grand Avenue and 57 and 59 Hamline Avenue. We have been unable to identify the property with the information provided. Notably, Mary Julie Erickson of Grand Ham LLC appealed Grand 1342 Avenue separately in RES PH 16-366.

- 745 Lincoln Avenue and 740 Grand Avenue are also appealed by owners Michael and Marlene Killa in RES PH 16-389. As Ms. Killa appeared to represent herself and husband, RES PH 16- 389 is the main file we are using for their cases.

- 241 Brimhall Street, 2130 Como Avenue, 622 Grand 194 Summit also appear in RES PH 16- 372 (Chad Skally) as being appealed. As Mr. Skally appeared to represent himself, RES PH 16- 372 is the main file we are using for his cases.

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 the appeal for Ferdinand Peters at 754 Blair AVENUE, 841 Bradford STREET, 1530 Edgcumbe ROAD, 2005 Ford PARKwAy, 555 Frontenac PLace, 965 Grand AVENUE, 985 Grand AVENUE, 999 Grand AVENUE, 1036 Grand AVENUE, 1355 Grand AVENUE, 168 Griggs StREET NORTH, 724 Hague AVENUE, 753 Hague AVENUE, 754 Hague AVENUE, 758 Hague AVENUE, 1728 Hague Avenue, 649 Holly AVENUE, 655 Holly AVENUE, 480 Iglehart AVENUE, 668 Lafond AVENUE, 814 Laurel AVENUE, 1703 Laurel Avenue, 194 Lexington PARKwAy NORTH, 195 Lexington PARKwAy NORTH, 2330 Long Avenue, 483 Marshall AVENUE, 1708 Portland Avenue, 675 Randolph AVENUE, 682 Selby AVENUE, 365 Smith AveNUE NORTH, 594 Smith AVENUE SOUTH, 607 Smith AVENUE SOUTH and 1611 Stanford AVENUE and appellant and/or his representative was granted the opportunity to present oral or written testimony and evidence to support his objections to the proposed assessments; and

WHEREAS, oral testimony and documentation regarding the assessments were withheld by City staff because appellant and/or his representative was not in attendance; and

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

- Appellant did not provide any written, oral testimony or material evidence 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, therefore,
- 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 as proposed 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.