Legislation Details (With Text)

File #:	RES PH 16-372 **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 Chad Skally. (File No. 16ROW FINAL2, Assessment No. 16032B)		
Sponsors:	Rebecca Noecker, Chris Tolbert, Russ Stark		
Indexes:	Right of Way Maintenance Assessment, Ward - 2, Ward - 3, Ward - 4		
Code sections:			
Attachments:	1. Chad Skally Email 9-19-16, 2. 194 Summit Ave.ROW Letter. 10-7-16, 3. 241 Brimhall Ave.ROW Letter. 10-7-16, 4. 622 Grand Ave.ROW Letter. 10-7-16, 5. 16ROW FINAL2 Assmt 16032B, 6. Memo to LHO re 2016 ROW hearings (CSisk, CAO), 7. Skally Submission at Hearing 10-14-16, 8. Skally email.11-1-16, 9. RE Proposed Assessment Adjustments 11-2-16		

Date	Ver.	Action By	Action	Result
11/3/2016	2	Mayor's Office	Signed	
11/2/2016	2	City Council	Adopted As Amended	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 Chad Skally. (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: Chad Skally

PIN/PINS:

241 BRIMHALL STREET	10-28-23-22-0183 (W3)
2130 COMO AVENUE	20-29-23-44-0108 (W4)
622 GRAND AVENUE	02-28-23-41-0069 (W2)
194 SUMMIT AVENUE	01-28-23-11-0006 (W2)

241 Brimhall Street, 2130 Como Avenue, 622 Grand 194 Summit also appear in RES PH 16-384 (Ferdinand Peters) as being appealed. As Mr. Skally appeared to represent himself, this is the main file we are using .

AMENDED 11/2/16

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 Chad Skally at 241 BRIMHALL STREET, 2130 COMO AVENUE, 622 GRAND AVENUE and appellant 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 provided by City staff; 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;
- the Real Estate Office recommends adjusting the assessment, based on an adjustment to the street class for one frontage from Class 2 to Class 3 per "corner apartment" assessment policy, this reducing the charge from $1,674.24 to a total of $1,497.36;
- ~~No~~ As a factual basis was established for modifying the proposed assessments; ~~and therefore~~ the Legislative Hearing Officer is
- Recommending ratification of assessments for 2130 Como Avenue, 622 Grand Avenue, and 194 Summit Avenue; and
- Recommending a reduction of the assessment from a total of $1,674.24 to a total of $1,497.36 for 241 Brimhall Street; 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.

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