Legislation Text

File #: RES PH 16-381, **Version:** 2

Ratifying the assessment costs for the 2016 Right-of-Way Maintenance Program and 2016 Above-Standard Lighting Operation and Maintenance Program for a property appealed by Susan Kohls Shetka at 1285 OSCEOLA AVENUE. (File No. 16ROW FINAL2, Assessment No. 16032B)

Date of Hearing: ~~10/14/16~~ RESCHEDULED TO 10/17/2016
Time of Hearing: ~~11:00 AM~~ 2:00 PM
Date of Council Public Hearing PH: 10/5/16 & 11/2/16

Appellant/Owner: Susan Kohls Shetka

PIN/PINS:
1285 OSCEOLA AVENUE 03-28-23-43-0108

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 17, 2016, the Legislative Hearing Officer conducted a hearing regarding the appeal for Susan Kohls Shetka at 1285 OSCEOLA AVENUE and appellant and/or her representative was granted the opportunity to present oral or written testimony and evidence to support her objections to the proposed assessment; and

WHEREAS, oral testimony and documentation regarding the assessment was withheld by City staff because appellant and/or her 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 assessment;
- No factual basis was established for modifying the proposed assessment; and therefore the Legislative Hearing Officer is,
- Recommending ratification of assessment; 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 assessment is 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.