



## Legislation Text

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**File #:** Ord 17-8, **Version:** 2

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Amending Chapter 62 of the Administrative Code to allow charging of fees for street maintenance service charges.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

Chapter 62.01 of the Saint Paul Administrative Code is hereby amended to read as follows:

#### **Sec. 62.01. - Definitions.**

For the purpose of this chapter, the terms defined herein shall have the meaning ascribed to them as follows:

(1) Street maintenance means and includes, but shall not be limited to, street surfacing, cleaning, flushing, oiling, repairing, as well as the maintenance and servicing of street lights and special ornamental street lighting systems.

(2) Street means any street, alley, sidewalk, boulevard or other public way or any part thereof.

(3) Service charges means the ~~annual~~ actual costs or expenses incurred by the city in street maintenance, which costs or expenses when due and unpaid shall be collected against benefited property as an assessment in a manner and amounts as provided herein. Such costs may include, but shall not be limited to, the maintenance costs, and direct administrative costs ~~and any interest expense associated with the issuance of obligations as provided in section 62.05.~~

### SECTION 2

Section 62.02 of the Saint Paul Administrative Code is hereby amended to read as follows:

#### **Sec. 62.02. - Council approves annual program.**

(a) The council shall each year, as part of the annual budget process, determine what streets shall be maintained together with the estimated amount of service charges to be levied against benefited property. ~~Prior to such determination, the city council shall fix a date for public hearing, and the city clerk shall cause to be published notice of such hearing in a legal newspaper twice, no less than ten (10) days prior to such public hearing. Not less than ten (10) days before the hearing, the real estate section of the office of financial~~

~~services shall mail notice approved by the city council to the owner of each parcel within the area proposed to be charged, but failure to give mailed notice or any defects in the notice shall not invalidate the proceedings. For the purpose of giving mailed notice, owners shall be those shown to be such on the records of the county auditor or county tax statements, but other appropriate records may be used for this purpose. The notice shall state the date, time and place of such hearing, the particular service to be performed, and the estimate of the cost of such service to be charged against benefitted property.~~

~~(b)At such hearing the council shall hear property owners regarding the scope and desirability of the proposed service and the method of collection of such service charges. The council shall by resolution determine the services to be performed and shall authorize the doing of the work by the appropriate city department or agency.~~

### SECTION 3

Section 62.03 of the Saint Paul Administrative Code is hereby amended to read as follows:

#### **Sec. 62.03. - Cost records.**

The Department of Public Works and/or agency shall keep a record of the cost of street maintenance services, the name and address of the owner of the property benefitted and the date(s) of the service(s) provided. service charges incurred, or expected to be incurred, in the performance of street maintenance services on city streets. The Office of Financial Services, Real Estate Section shall give notice to the owner of the property for the cost of the street maintenance services provided. The Office of Financial Services, Real Estate Section shall retain a copy of all correspondence regarding property services rendered and invoices sent. If the property owner fails to pay the invoice as ordered, the matter shall be referred for assessment. The service charges record shall be reported to the real estate section of the office of financial services.

### SECTION 4

Section 62.04 of the Saint Paul Administrative Code is hereby amended to read as follows:

#### **Sec. 62.04. - Assessment procedure.**

Any service charge levied or imposed under this chapter shall be distributed against property benefitted by the safe and clean operation and maintenance of streets. Said charge shall be payable in one (1) single installment, but or, if the charge is not paid when due, said charge shall be collected in the following manner. same manner as real property taxes; shall bear interest at a rate as determined by the city's "pool rate" or borrowing rate if bonds were used to finance the improvement, as set by the treasury manager at the time the assessment is ratified by the city council plus a factor to cover the city's cost as determined by the city valuation and assessments engineer and treasury manager; shall be payable when it becomes due notwithstanding the appeal procedure which is specifically provided and authorized in section 62.06, except in the event an appealing party is successful on appeal, the city shall reimburse the appealing party by the amount the assessment is reduced or eliminated. Furthermore, the failure of a property owner to make payment of the assessment when due as provided herein, in and of itself, shall render void any appeal of the

~~assessment by said owner. With these exceptions, service charges shall be collected using the procedures set forth in Minnesota Statutes, sections 429.061 and 429.071, and shall be remitted in its entirety, including any interest and penalty, directly to the city.~~

(a) Resolution approving total, setting date for public hearing. In the event that street maintenance services costs are not paid as ordered in the invoice, the matter shall be referred to the division of real estate ~~to be collected as assessments~~. The Office of Financial Services, Real Estate Section shall notify the city council of the amounts owed by individual properties for street maintenance services including the addresses of the individual properties and the street maintenance services provided. All amounts owed shall bear interest at a rate as determined by the city's "pool rate", as set by the treasury manager at the time the assessment is ratified by the city council plus a factor to cover the city's cost as determined by the city's real estate manager and treasury manager. Upon receipt thereof, the council shall by resolution fix a date for public hearing at which time the council shall consider adopting and levying the street maintenance services costs. The date of the public hearing shall be at least twenty (20) days after the adoption of said resolution.

(b) Notice of council hearing. Following the adoption of the resolution provided in paragraph (a) above, the division of real estate shall publish a notice of the hearing in the official newspaper of the city at least five (5) days prior to the public hearing. The notice shall state the date, time and place of hearing, the purpose of the hearing, and identify the services provided and the property to be assessed.

(c) Notice to owner and interested parties. At least ten (10) days before the hearing, notice thereof shall be sent. Such notice shall inform the recipient of the notice:

1. Of the procedures he or she must follow under state law or the charter in order to appeal the assessments to the district court; and

2. Of the provisions of Minnesota Statutes, sections 435.193 to 435.195 and the existence of any deferment procedure established pursuant thereto.

(d) Public hearing; adoption of assessment roll. On the date of the public hearing, the council shall meet to consider the adoption of the proposed street maintenance services costs. The council shall hear all interested parties concerning the proposed costs. At such meeting or at any adjournment thereof, the council may amend the proposed street maintenance services costs, and shall, by resolution, adopt the street maintenance services costs as a special assessment against the properties benefited by the street maintenance services. Special assessments levied hereunder shall be payable in a single or up to 10 annual installments as the Council shall designate.

(e) Certification to county for collection with taxes. After adoption by resolution of the street maintenance services costs and assessment rates therefore, the Office of Financial Services, Real Estate Section shall transmit to the county department of property taxation to be extended on the proper tax list of the county and collected the following year along with current taxes.

(f) Alternative procedure. The city at its option may exercise the powers and follow the procedures provided the Saint Paul City Charter Chapter 14, or Minnesota Statutes, Chapter 429. Any notice provided under this statute shall clearly state the applicable procedures.

## SECTION 5

Saint Paul Administrative Code Section 62.05 is hereby deleted in its entirety.

~~Sec. 62.05. — Issuance of obligations.~~

~~To defray the costs and expenses of street maintenance as provided in this chapter, the city may issue obligations and create a revolving fund as authorized by the City Charter.~~

## SECTION 6

Saint Paul Administrative Code Section 62.06 is hereby amended to read as follows.

Sec. 62.06. - Appeals of assessments to district court

Any property owner who does not pay the invoice and an assessment is levied by the Council, aggrieved by the City assessment authorized in this chapter may appeal to the district court, as notified by the City, in the manner set forth in Chapter 14 of the Saint Paul City Charter, or Minnesota Statutes Chapter 429. The full assessment shall be payable when it becomes due notwithstanding any appeal, except in the event an appealing party is successful on appeal, the city shall reimburse the appealing party by the amount the assessment is reduced or eliminated. Furthermore, the failure of a property owner to make payment of the assessment when due as provided herein, in and of itself, shall render void any appeal of the assessment by said owner.

## SECTION 7

Sec. 62.07 - Severability

If any one (1) or more of the provisions of this chapter is deemed unlawful for any reason, all other provisions contained herein nevertheless shall remain in full force and effect.

SECTION 8

This ordinance shall take effect and be in force thirty (30) days following passage, approval and publication.